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COBBETT'S

Parliamentary History

OF

ENGLAND.

VOL. V.

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COBBETT'S
Parliamentary History
OF
ENGLAND.

FROM THE NORMAN CONQUEST, IN 1066,
TO
THE YEAR 1803.

FROM WHICH LAST-MENTIONED EPOCH IT IS CONTINUED
DOWNWARDS IN THE WORK ENTITLED,
"COBBETT'S PARLIAMENTARY DEBATES."

VOL. V.

COMPRISING THE PERIOD FROM THE
REVOLUTION, IN 1688,
TO THE ACCESSION OF QUEEN ANNE, IN 1702.

LONDON:
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1809.

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ADVERTISEMENT.

THE present Volume embraces the period from the Revolution, in 1688, to the Accession of QUEEN ANNE, in the year 1702. For this period, the materials, as well for the Proceedings as the Debates, have been, for the most part, collected from the following Works: 1. The Journals of the House of Lords; 2. The Journals of the House of Commons; 3. The Debates of the House of Commons, from 1688 to 1694, collected by the Honourable Anchitell Grey, who was forty years member for the town of Derby; 4. The Debate between the Lords and the Commons, at a Free Conference, held in the Painted Chamber, in the Session of the Convention in 1688, relating to the words, "*Abdicated*," and "*the Vacancy of the Throne*," used in the Vote of the Commons; 5. A Collection of the Debates and Proceedings in Parliament in 1694 and 1695, upon the Inquiry into the [then] late Briberies and corrupt Practices, printed in the year 1695; 6. Proceedings in the House of Commons against Sir John Fenwick, printed in the year 1698; 7. Timberland's History and Proceedings of the House of Lords; and, 8. Chandler's History and Proceedings of the House of Commons.

Here again, as in the former Volumes, recourse has been had to the best historians and contemporary writers; and, amongst others, to Burnet, Echard, Kennet, Oldmixon, Ralph, Tindal, Boyer, and Somerville. The Hardwicke Papers have also been consulted; together with the State Tracts, and the Harleian Collection.

There is subjoined, by way of Appendix, a Collection of very scarce and valuable Parliamentary Tracts, taken from those of Lord Sommers, the Harleian Miscellany, and the Collection of State Tracts published during the reign of William the Third.

April 15, 1809.

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1691. John Tillotson, Dean of St. Paul's.
1694. Thomas Tennison, translated from Lincoln.

Lord High Chancellors.

1690. Sir John Maynard, knt., Sir Anthony Keck, knt.; and Sir William Rawlinson, knt. Commissioners or Keepers, from March 1, till June 5.
1690. Sir John Trevor, knt., Sir William Rawlinson, knt., and Sir George Hutchins, knt.; Commissioners or Keepers.
1693. Sir John Sommers, knt., Lord Keeper.
1697. - - - - - made Lord Chancellor, and created Lord Sommers.
1700. Sir Nathan Wright, knt., Lord Keeper, May 21.

Speakers of the House of Commons.

1689. Jan. 22. Henry Powle, esq. Member for Windsor.
1690. Mar. 20. Sir John Trevor, Yarmouth, Hants. On the 16th of March 1694, he was expelled the House for taking a Gratuity after the Orphans' Bill had passed. See p. 906.
1694. Mar. 14. Paul Foley, esq. Hereford City.
1698. Dec. 6. Sir Thomas Littleton, bart., Woodstock, Oxfordshire.
1700. Feb. 10. Robert Harley, esq., New Radnor.

Masters of the Rolls.

1690. Mar. 13. Henry Powle, esq.
1693. Jan. 13. Sir John Trevor, knight.

Attorneys General.

1688. Mar. 4. Henry Pollexfen, esq.
1689. May 7. Sir George Treby, knt.
1692. May 2. Sir John Sommers, knt. afterwards Lord Sommers.
1693. April 4. Edward Ward, esq.
1695. June 10. Sir Thomas Trevor, knt. afterwards Lord Trevor.
1701. July 5. Edward Northey, esq.

Solicitors General.

1688. May 4. Sir George Treby, knt.
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1692. Mar. 2. Thomas Trevor, esq.
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Parliamentary History.

COBBETT'S

Parliamentary History.

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4 James II. A.D. 1688.

The Prince of Orange's First Declaration.] [illegible] 1688. While [illegible] under great difficulties [illegible] Protestant subjects, the Prince of Orange was embarking his troops with extra-ordinary [illegible] his under-taking [illegible] the day, set forth the following Declaration:

"It is both certain and evident to all men, that the public peace and happiness of any state or kingdom cannot be preserved, where the Laws, Liberties, and Customs, established by the lawful authority in it, are openly transgressed and annulled; more especially where the alteration of Religion is endeavoured, and that a religion, which is contrary to law, is endeavoured to be introduced; [illegible] are indispensably bound to endeavour to preserve and maintain the established Laws, Liberties and Customs, and, above all, the Religion and Worship of God that is established among them; and to take such an effectual care, that the inhabitants of the said state or kingdom may neither be deprived of their Religion, nor of their Civil Rights. Which is so much the more necessary, because the greatness and security both of kings, royal families, and of all such as are in authority, as well as the happiness of their subjects and people, depend, in a most especial manner, upon the exact observation and maintenance of these their Laws, Liberties and Customs.—Upon these grounds it is, that we cannot any longer forbear to declare, that to our great regret, we see, that those Counsellors, who have now the chief credit with the king, have overturned the Religion, Laws and Liberties of these Realms, and subjected them in all things relating to their consciences, liberties and properties, to arbitrary Government, and that, not only by secret and indirect ways, but in an open and undisguised manner.—Those evil Counsellors, for the advancing and colouring this with some plausible [illegible] Dispensing Power; [illegible] the execution of the laws, that have been enacted by the authority of the king and parliament, [illegible] the same authority. [illegible]

Those evil Counsellors, [illegible] have obtained a Sentence from the Judges, declaring that this [illegible] the Laws, Rights [illegible] arbitrarily [illegible] conscience concur in so pernicious a Sentence, [illegible] ments.—It is also manifest and notorious, that, as his majesty was, upon his coming to the [illegible] Religion, so he did then promise and solemnly swear at his coronation, that he would maintain his subjects in the free enjoyment of their laws, rights, and liberties; and in par- [illegible] for the preservation of those Rights and Liberties, and of the Protestant Religion; and, [illegible] That all persons whatsoever, that are advanced to any Ecclesiastical dignity, or to bear office in either University, as likewise all others that should be put in any employment civil or military, should declare, that they were not Papists, but were of the [illegible] of the Oaths of Allegiance and Supremacy, and [illegible] both with relation to Ecclesiastical and Civil [illegible] nities and Offices, they have, not only without any colour of law, but against most express laws to the contrary, set up a Commission of a [illegible] sion there has been, and still is, one of his ma- [illegible] lic profession of the Popish Religion; and who, at the time of his first professing it, declared, that for a great while before he had believed that to be the only true Religion. By all this, [illegible] of a Commission that is manifestly illegal, and who have executed it contrary to all law; and [illegible] himself a Papist; by which he is become in- [illegible]

ligion, and that now hide their unconcernedness for it under the specious pretence of moderation. The said Commissioners have sus- [illegible] suspend a worthy divine, without so much as citing him before him to make his own defence, or observing the common forms of process. They have turned out a President chosen by [illegible] "could take legal cognisance of that affair," or obtaining any Sentence against them by a com- [illegible] given for turning them out, was, their refusing [illegible] recommended to them by the instigation of [illegible] these evil Counsellors have put the said College wholly into the hands of the Papists; [illegible] the chancellors and archdeacons of England, [illegible] all such clergymen as have read the king's [illegible] such as have not read it, without considering that the reading of it was not injoined the [illegible] in God William archbishop of Canterbury, pri- [illegible] learning and piety, refused to sit or to concur [illegible] exercise of the Popish Religion, and also against all Monasteries and Convents, and more particularly against the Order of the Jesuits; yet those evil Counsellors have procured Orders [illegible] Chapels for the exercise of that Religion: [illegible] be erected; and, in contempt of the law, they [illegible] privy counsellor, and a minister of state: by [illegible] Religion, to a despotick power, and to arbitrary [illegible] seconded [illegible] pe methods with relation to Civil affairs [illegible] cur with the king in the repeal of the Test and the Penal Laws: and all such whose con[illegible] feating the intent and execution of those laws [illegible] caution for the Security of the Protestant Religion: and in many of these places they have put professed Papists; though the law has dis[illegible] parliament, and have secured Surrenders to be made of them; by which the magistrates in [illegible] those evil Counsellors; who have thereupon [illegible] as they can most entirely confide in; and in [illegible] and despotic power. [illegible] important affairs they have studied [illegible] would not conform themselves to their intentions; and have put others in their places of [illegible] any regard to their abilities: and they have [illegible] Judges, who, in the common administration of justice, shew, that they were governed by their consciences, and not by the directions which the others gave them: by which it is apparent, [illegible] to render themselves the ab[illegible], honours and estates of the subjects, of what rank or dignity soever [illegible] be; and that, without having any regard either to the equity of the [illegible] the consciences of the judges; whom they will [illegible] and pleasure: hoping by such ways to intimi[illegible] ment; as also such others as they shall think [illegible] turned out; and to make them see, what they [illegible]

[illegible] the least contrary to their good-liking; and that no failings of that kind are pardoned in [illegible] nistration of justice in the hands of Papists, brought all the matters of Civil Justice into [illegible] have been given: for, since the laws of the [illegible] of judicature, but have put them under an in[illegible] by them are null and void of themselves: so that all persons, who have been cast in trials [illegible] their pretended Sentences as having no more force than the sentences of any private and unauthorized person whatsoever: so deplor[illegible] answer to such Judges, that must in all [illegible] those evil Counsellors; who, as they raised them up to those employments, so can turn them out of them at pleasure; and who can never be esteemed lawful Judges: so that all their Sentences are, in the construction of the law, of no force and efficacy. They have likewise disposed of all Military Employments in the same manner; for, though the laws have not only excluded Papists from all such employments, but have, in particular, provided, that they should be disarmed; yet they, in [illegible] land; and that, strangers as well as natives, and Irish as well as English; that so, by [illegible] Course of Justice, and subjected them all to [illegible] in a capacity to maintain and execute their [illegible] Religion, Laws and Liberties in England, ap[illegible] done in Ireland; where the whole government is put in the hands of Papists; and where all the Protestant inhabitants are under the daily [illegible] that kingdom, and abandon their estates in it; remembering well that cruel and bloody Massacre which fell out in that Island in the year [illegible] without reserve; upon which he has assumed [illegible] subjects under great and just Fears, and have [illegible] are allowed of in all nations: yet all has been [illegible] who, having offered a most humble Petition to [illegible] they set forth, in short, the Reasons for which [illegible] Liberty of Conscience) were sent to prison, and afterwards brought to a Trial, as if they [illegible] selves in that pursuit, but to appear before [illegible] that gave their opinions in their favours were [illegible] their power has been, and how arbitrary and [illegible] of it, have ever reckoned it a crime for their [illegible] peer, and in a due number not exceeding the limits of the law, and represent to them [illegible] sellors have also treated a peer of the realm [illegible] a Popish Justice of Peace; though it is evi- [illegible] to the king, the just and deep regret which all these proceedings have given us; and, in com- [illegible]

[illegible] Test and Penal Laws; which we did in such a manner, [illegible] all those evils is the calling of a Parliament, [illegible] that a lawful Parliament being once assembled, [illegible] jects, they have endeavoured, under the specious pretence of Liberty of Conscience, first to sow divisions amongst Protestants, between [illegible] senters; the design being laid, to engage Pro- [illegible] serve themselves from Popish oppression, into mutual quarrellings, that so, by these, some ad- [illegible] their designs; and that, both in the Election of the Members of Parliament, and afterwards in the Parliament itself: for they see well that if all Protestants could enter into a mutual good understanding one with another, and concur together in the preserving of their Religion, it would not be possible for them to [illegible] required all the persons in the several coun- [illegible] to declare beforehand, that they would concur [illegible] Test and Penal Laws; [illegible] concur in it. Such as would not thus pre-engage themselves were turned out of all employments; and others who entered into those Engagements were put in their places, many [illegible] have a right to send burgesses to parliament, they have ordered such Regulations to be made, as they thought fit and necessary for [illegible] ment which they have deserved; though it is [illegible] that no parliament can be lawful, for which [illegible] as long as the authority and magistracy is in [illegible] according to [illegible] liament-men ought to be made with an entire liberty, without any sort of force, or the re- [illegible] upon all matters that are brought before them, having the good of the nation ever before their [illegible] of their conscience; yet now, the people of England cannot expect a Remedy from a free parliament legally called and chosen; but they [illegible] tions will be carried on by fraud or force; and [illegible] on according to their direction and interest, [illegible] of the nation: which may appear evidently from this, that the same persons tried the members of the last parliament, to gain them to consent to the Repeal of the Test and Penal [illegible] dissolved, when they found, that they could [illegible] great and violent presumptions inducing us to [illegible] to the carrying on of their ill designs, and to [illegible] brought forth a Son; though there hath ap- [illegible] was managed, so many just and visible grounds of suspicion, that not only we ourselves, but [illegible] hemently suspect, that the pretended Prince [illegible] and of the birth of the child; and yet there was not any one thing done to satisfy them, or to put an end to their doubts.—And since our [illegible] an interest in this matter, and such a right, as all the world knows, to the Succession to the Crown; since also the English did, in the year [illegible] Provinces were invaded in a most unjust war, [illegible] that war, and that in opposition to those who were then in the government; and by their so [illegible] favour of the court and their employments; [illegible] a most particular affection and esteem, both to [illegible] selves; we cannot excuse ourselves from espousing their interests in a matter of such high consequence [illegible] lies in us for the maintaining, both of the Pro- [illegible] ties of those kingdoms; and for the securing [illegible] earnestly solicited by a great many lords, both spiritual and temporal, and by many gentle- [illegible] England, and to carry over with us a force [illegible] and we, being desirous that our intention in [illegible] Reasons inducing us to it; so we now think fit to declare, that this our Expedition is intended for no other design, but to have a free and lawful Parliament assembled as soon as is possible; and that in order to this, all the late [illegible] and likewise, all magistrates, who have been unjustly turned out, shall forthwith resume their former employments; as well as all the [illegible] ancient Prescriptions and Charters; and more particularly, that the ancient Charter of the great and famous city of London, shall again be in force; and that the Writs for the mem- [illegible] the proper officers, according to law and custom; that also none be suffered to choose or [illegible] such as are qualified by law; and that the [illegible] and executing the law concerning the Test, and [illegible] rity and maintenance of the Protestant Religion; as likewise for making such Laws as may establish a good agreement between the Church [illegible] sary for the peace, honour and safety of the nation, so that they may be in no more dan- [illegible] Succession.—And we, for our part, will concur [illegible] happiness of the nation, which a free and law- [illegible] nothing before our eyes, in this our undertak- [illegible] Rights and Liberties, under a just and legal [illegible] occasion in arms; in the conduct of which, we [illegible] by their means; and, as soon as the state of [illegible] we will send back all those foreign forces that [illegible] fore hope, that all people will judge rightly of [illegible] in the last place, invite and require all persons [illegible] spiritual and temporal, all lords lieutenants, deputy lieutenants, and all gentlemen, citizens, and other commons of all ranks, to come and assist us, in order to the executing of this our Design, against all such as shall endeavour to [illegible] may be fully redressed, in a free and legal Par- [illegible] as the nations are brought to a state of quiet, we will take care that a Parliament shall be called in Scotland, for the restoring the anci- [illegible] bringing the Matters of Religion to such a Set- [illegible] happy; and for putting an end to all the unjust violences that have been in a course of so many years committed there.—We will also study to bring the kingdom of Ireland to such a state, that the Settlement there may be religiously observed; and that the Protestant and British interest there may be secured. And [illegible] kingdoms, that they may all live in a happy union and correspond together; and that the Protestant Religion, and the Peace, honour, [illegible] lished upon lasting foundations.—Given under our hand and seal, at our court in the Hague, the 10th day of October, in the year 1688. WILLIAM HENRY, Prince of ORANGE."

The Prince of Orange's Additional Declara- [illegible] with another to the same effect for Scotland; [illegible] James had taken measures to render it ineffectual, [illegible] made to it.

[illegible] the people against them, have begun to retract [illegible] of their unjust Judgments and Decrees. The sense of their guilt, and the distrust of their [illegible] great oppressions; hoping thereby to quiet the people, and to divert them from demanding a [illegible] Laws under the shelter of our arms. They do [illegible] enslave the nation: and therefore it is, that we have thought fit to add a few words to our [illegible] undertaking, than to procure a Settlement of the Religion, and of the Liberties and Properties of the subjects upon so sure a foundation, [illegible] lapsing into the like miseries at any time hereafter. And as the Forces that we have brought along with us, are utterly disproportioned to that wicked design of conquering the nation, if [illegible] numbers of the principal nobility and gentry, that are men of eminent quality and estates, [illegible] many of them being also distinguished by their constant fidelity to the crown, who do both ac- [illegible] estly solicited us to it, will cover us from all such malicious insinuations. For it is not to [illegible] assist us, can join in a wicked attempt of con- [illegible] also confident, that all men see how little weight there is to be laid on all promises and engagements that can be now made; since [illegible] to the most solemn promises. And as that imperfect redress that is now offered, is a plain [illegible] ness of it is no less apparent; for they lay down [illegible] sure; and they reserve entire, and not so much as mentioned, their claims and pretences to an arbitrary and despotic power; which has been the root of all their oppression, and of the total subversion of the government. And it is plain, that there can be no Redress nor Remedy offered but in parliament; by a Declaration [illegible] invaded; and not by any pretended Acts of Grace, to which the extremity of their affairs has driven them. Therefore it is that we have thought fit to declare, that we will refer all to [illegible] Assembly [illegible] liament.—Given under our hand and seal, at our court in the Hague, the 24th day of Oct. [illegible] William Henry, Prince of Orange."

A counterfeit Declaration published in the Prince's Name.] Besides the above, a spurious Declaration* was published in the Prince's name, which is said to have produced a con[illegible]

"We have in the whole course of our life, [illegible] our firm resolution, rather to spend our dearest [illegible] by the favour of Heaven, we have so successfully begun, to rescue England, Scotland and Ireland from Popery and Slavery, and in a free [illegible] and Liberties of these kingdoms on such a sure [illegible] their Liberties and Properties. Great numbers of all ranks and qualities have joined themselves to us; and others, at great distances from us, have taken up arms and declared for us: and, which we cannot but particularly mention, in that Army which was raised to be [illegible] by the special providence of God, both officers and common soldiers, have been touched with such a feeling sense of religion and honour, and of true affection to their native country, [illegible] to us, and have given us full assurance from [illegible] able diligence to advance forwards, that a free [illegible] preliminaries adjusted with the king, and all things settled upon such a foot, according to [illegible] way most agreeable to our desires, if it be pos[illegible] those execrable criminals who have justly for[illegible] offer no violence to any, but in our own necessary defence, so we will not suffer any injury to [illegible] condition, and circumstances as the law re[illegible] that all Papists who shall be found in open arms, or with arms in their houses, or about [illegible] litary, upon any pretence whatsoever, con[illegible] treated by us and our forces, not as soldiers and gentlemen, but as robbers, free-booters and banditti; they shall be incapable of quar[illegible] their command, or shall join with, or submit to them in the discharge or execution of their illegal commissions or authority, shall be looked upon as partakers of their crimes, enemies to the laws, and to their country.—[illegible] reason to suspect, not so much for their own security, as out of a wicked and barbarous design, to make some desperate attempt upon the [illegible] sudden massacre, or both; or else to be more ready to join themselves to a body of French [illegible] England, procured of the French king, by the interest and power of the Jesuits, in pursuance [illegible] of that pestilent society, his most Christian [illegible] assistance, we

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* "This was the boldest attempt that ever was made by a private person; and was supposed to have been done by Ferguson or Johnson; but of late Mr. Hugh Speke has assumed the honour of it to himself: a thing which we [illegible] this Declaration, which the prince of Orange [illegible] service at this nice juncture: the Roman Catholics were dreadfully alarmed at it; and several justices of the peace caused it to be published. A certain captain likewise boldly delivered a copy of it to the lord mayor of London, charging him, before witnesses, to see it exactly put in execution; and the inferior officers of justice [illegible] better obey his highness's orders." Echard.

[illegible]

Declaration: [illegible]

[illegible]

"May it please your majesty; We your [illegible]

[illegible] majesty's [illegible] and State, as may [illegible] most meet."

[illegible] printed, and two days after, the king set forth [illegible]

"My Lords; What you ask of me, I most passionately desire; and I promise upon the faith of a king, that I will have a Parliament, [illegible] the prince of Orange has quitted this realm: for how is it possible a parliament should be [illegible] make a return of near a hundred voices?"

[illegible] subscribed by a great number of the nobility, [illegible]

"That as with grief they apprehended the [illegible] of a foreign army in this kingdom, so they could [illegible] ligion and Laws. And, whereas they could not think of any other expedient to compose their differences, and prevent effusion of blood, than that which procured a Settlement in these kingdoms, after the late Civil Wars, viz. the meeting and sitting of a Parliament, freely and [illegible] as far as in them lay, to promote it; and the [illegible] peared by his Declaration, was willing to sub- [illegible] consent to this expedient, in order to a future Settlement, and hoped that such a temperament [illegible] proceedings of a parliament. But if, to the great misfortune and ruin of these kingdoms, [illegible]

The Nottingham Paper.] "That not being [illegible] recovery of their almost ruined laws, liberties [illegible] fortunes, be assistant to them, and not be bug- [illegible]

[illegible] at their coronation; which oath, how well it had been observed of late, they desired a free [illegible] They indeed owned it rebellion to resist a king [illegible] no rebellion, but a necessary defence: and on [illegible] best; it having been observed, that people [illegible]

The King's Proclamation declaring a general Pardon.] Soon after this, the ruinous state of [illegible] clamation: "That for the Security of all persons both in their elections and service in Par- [illegible] been any way aiding or assisting therein: and [illegible] seal. And for the reconciling all the public [illegible] but qualified with parts, experience and pru- [illegible]

"Sir; The king commanded us to acquaint [illegible] solved before this to call one; but thought, that, in the present state of affairs, it was adviseable to defer it till things were more composed; yet, seeing that his people still conti- [illegible]

[illegible] trained within such limits, and at such a dis- [illegible] kind disturbed; being desirous that the meeting of it may be no longer delayed, than it must be, [illegible]

His Highness's Answer.] To which the [illegible]

"We, with the advice of the lords and gentlemen assembled with us, have, in Answer, [illegible] upon us, be recalled; and that if any per- [illegible] equal number of our guards: or if his majesty [illegible] kingdom. 5. That for the security of the city [illegible] put into the hands of the said city. 6. That a [illegible] of our troops, until the sitting of a Free Parliament. 7. That to prevent the landing of [illegible] and us shall be agreed on."

The King leaves Whitehall, and throws the [illegible] were not sent out for the calling of the parliament, and entered a caveat against making [illegible] Thames.

Meeting of the Peers at Guild-Hall—Their [illegible] and York; the bishops of Winchester, St. Asaph, Ely, Rochester and Peterborough; the [illegible] Carlisle, Craven, Aylesbury, Burlington, Berkley, and Rochester; viscount Newport and [illegible] Grey, Chandois, Montague, Jermyn, Vaughan, [illegible]

[illegible] Decla- [illegible]

"We doubt not but the world believes that in this great and dangerous conjuncture, we [illegible] for a Free Parliament, we might have rested [illegible] but his majesty having withdrawn himself, and, [illegible] fore unanimously resolve to apply ourselves to [illegible] cure a Free Parliament, to rescue us, with as lit- [illegible] the obtaining such a parliament with all speed, wherein our Laws, our Liberties and Proper- [illegible] land in particular, with a due liberty to Protestant Dissenters; and in general, that the [illegible] intentions for the public good, we shall be [illegible]

[illegible] of London to the Prince, which runs thus: "We the lord-mayor, &c. taking into consi- [illegible] Protestant Religion, manifested to the world in [illegible] miraculous success, do render our deepest [illegible] to your highness, particularly for your appear- [illegible] kingdoms from Slavery and Popery, and in a [illegible] a sure and lasting foundation. We have hi-[illegible] refuge; and do in the name of this capital city, implore your highness's protection, and [illegible]

The Lords meet the Prince of Orange at St. J[illegible] and assisted the Prince at St. James's in a [illegible]

"My Lords; I have desired you to meet [illegible] the ends of my Declaration in calling a Free Parliament, for the preservation of the Pro-[illegible]

[illegible] drew. After the reading of the Prince's De-[illegible] to obtain the ends of his Declaration, and settle a Form of Government, they resolved to assemble for the future in their antient house at Westminster. For which purpose, they [illegible] sir John Maynard, Mr. Holt, Mr. Pollexfen, [illegible] them in their important consultations, and to explain to them the laws and constitutions of the realm, in the room of the Judges, who were [illegible] appointed Mr. Francis Gwin to sign such [illegible] already subscribed at Exeter; to which pro-[illegible] which being afterwards changed for that of 'Punishment,' they were better satisfied.

[illegible] *Shipping for France.*] Dec. 23. The [illegible]

"The world cannot wonder at my withdrawing myself now this second time. I might [illegible] I received, by making the said earl a prisoner, against the practice and law of nations; the [illegible] take possession of the posts at Whitehall, with-[illegible] the sending to me at one a-clock after midnight, when I was in bed, a kind of an Order by three lords, to be gone out of my own palace [illegible] without any just occasion given him for it; but [illegible] vent, in that clause of it which concerns my son? I appeal to all that know me, nay, even to himself, that in their consciences, neither he, [illegible] of so unnatural a villainy, nor of so little common sense, to be imposed on in a thing of such a nature as that. What had I then to expect [illegible] sides? What effect that hath had at home, all mankind have seen by so general a defection [illegible] all sorts of people.—I was born free, and desire to continue so; and though I have ven-[illegible] am as free to do it again, (and which I hope I [illegible] the slavery it is like to fall under) yet I think [illegible] secured, as not to be at liberty to effect it; [illegible] be within call whenever the nation's eyes shall [illegible] tences of Religion and Property. I hope it will please God to touch their hearts, out of his infinite mercy, and to make them sensible [illegible] to such a temper, that a legal Parliament may be called; and that, amongst other things [illegible] agree to Liberty of Conscience to all Protestant Dissenters; and that those of my own persuasion may be so far considered, and have such a share of it, as they may live peaceably and quietly, as all Englishmen and Christians ought to do, and not be obliged to transplant themselves; which would be very grievous, espe-[illegible] and I appeal to all men, who are considering [illegible] thing can make this nation so great and flourishing, as Liberty of Conscience? Some of our neighbours dread it. I could add much more, [illegible]

[illegible] James.

The Peers assemble at Westminster; and ad- [illegible]

[illegible] assembled in this conjuncture, do desire your [illegible]

[illegible] nation; and that your highness will take into [illegible]

Having made this first step, their lordships [illegible] way for summoning the said Convention, and, [illegible] ing Protestants; and to the several counties, [illegible] upon-Tweed: the Letters for the counties to [illegible] of the coroners, to the clerk of the peace of the [illegible] cellor: and the Letters to the several cities, boroughs, and cinque ports, to be directed to [illegible] ties: and notice of the intended elections for the cities, universities, boroughs and cinque [illegible]

[illegible] subscribed by about ninety lords, who were [illegible] speedy Advice; we do desire all such persons [illegible]

[illegible] that the lord mayor and court of aldermen of [illegible] to them: "You, gentlemen, that have been members of the late parliaments, I have de- [illegible] ration, in calling a Free Parliament, for the [illegible] And you the aldermen and members of the common-council of the city of London, I de- [illegible] gave the copy of his Speech to sir Thomas [illegible]

They form themselves into a House.] Accordingly, by agreement, they all repaired to the commons house in Westminster; where [illegible] debated, was, What Authority they had to assemble? Upon which it was soon agreed, [illegible] was a sufficient warrant. The next Question [illegible] a distinguishing name or title? Which objection being started by sir Robert Southwell, [illegible]

[illegible] not for a month only, but for a whole year; [illegible] the same; and, in the afternoon, it was done [illegible] form:

"We who have served as members of par- [illegible] Charles II. together with the court of alder- [illegible] and Slavery: and desire your highness, (for the pursuance of these ends, and for the preservation of the peace of the nation) will take upon you the Administration of Public Affairs, both civil and military, and the disposal of the [illegible] land; and endeavour, by the most speedy and [illegible]

[illegible] the Lords Address; and so concluded in these [illegible] Declaration; and as the best means tending to [illegible] morning, he was then attended by a body of [illegible] read by Mr. Powle to his highness; who was pleased to declare, That it being a matter of [illegible] the lords spiritual and temporal: "My lords; [illegible] as I am able, I will endeavour to secure the peace of the nation, until the meeting of the Convention in January next; for the election whereof I will forthwith issue Letters, according to your desire. I will also take care to [illegible] uses that the present affairs require; and like- [illegible]

The following is a List of its Members:

Sir William Drake.	Sir Walter Young.
Aldborough, (Suffolk)	Richard Beak.
Sir Michael Wentworth.	Sir A. Chichester.
Francis Powlet, John Pollen.	Sir William Williams. *Bedfordshire.*

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* "It was upon the appointed time, the [illegible] tions of the British dominions, but of all the [illegible] their clerks and several officers, as in a regular parliament." Echard.

Francis Blake,

Sir John Cutler,
Nicholas Glynn.

Sir Henry Goodrick.

Humphrey Nicholas.

John Alfred,

Edw. Jones.

Thomas Morgan.
Bridgewater,

John Manley.

Sir Richard Hart,

Sir Richard Temple.
Calne,

Sir Robert Cotton.

Sir Thomas Chichley.

Canterbury,

Cardiff,

Caermarthen County,
Sir Rice Rudd

Sir William Williams.

Sir Robert Howard,

Sir Robert Cotton,
Chester City,

Sir Thomas Grosvenor.

John How,

Clifton,

Coventry,

Denbigh Town,

Sir Gilbert Clarke.

John Coke
Devizes,
Sir William Pincent,

Francis Courtney,
Samuel Roll

Thomas Freak.

Sir Basil Dixwell,

Roger North.

Robert Byerly,

Durham City,

Sir Robert Davers,

John North.

Sir J. Matthews.

Sir Edward Seymour.

Flint Town,

Gatton,

Sir John Gorse,

Gloucester City,
Sir Duncomb Colchester,

Grampound,
Edward Hearle,

Sir William Ellis.

Sir John St. Aubin,

Sir Edward Harley,
Sir John Morgan.

Sir William Grevil,

Sir Thomas Blunt.

Sir William Cowper,

William Ash.

Richard Courtney,
Edmund Walrond.

[illegible]

Kent,

[illegible]

Lancaster County,

[illegible]

Laurence Carter,

[illegible]

Sir Thomas Hussey.

[illegible]

Sir Christopher Nevil.

[illegible]

Sir Michael Bidulph,

[illegible]

Sir Robert Clayton,

[illegible]

John S[illegible]

John Dean.

[illegible]

Richard Holt,

[illegible]

Sir John Turner.

[illegible]

Sir Thomas Taylor,

[illegible]

Thomas Darcy,

[illegible]

Charles Godfrey.

[illegible]

Sir William Strickland,

[illegible]

Sir J. Earnly,

[illegible]

Henry Seymour.

[illegible]

Sir Robert Napier.

Merionethshire,

[illegible]

Sir Wm. Morley.

[illegible]

Milbourn,

Thomas Saunders,

[illegible]

Michael, (St.)

Francis Vivian,

[illegible]

Monmouthshire,

Sir Trevor Williams,

[illegible]

Lord Morpeth.

[illegible]

Montgomery Town,

[illegible]

Newark,

[illegible]

Sir John Gower,

[illegible]

Newcastle, (Northum.)

Sir William Blacket.

Sir Robert Carr.

[illegible]

Newton, (Lancashire)

[illegible]

Sir John Chichley.

[illegible]

Norfolk County,

Sir William Cook,

Sir Henry Hobart.

[illegible]

Northampton Town,

Sir John Langham,

Sir Justinian Isham.

[illegible]

Sir Nevile Catlyn.

[illegible]

Lord Houghton,

Sir Scroop How.

Nottingham Town,

[illegible]

William Carey.

Orford,

Sir John Duke,

[illegible]

Oxfordshire,

[illegible]

Sir John Cope.

Oxford City,

Sir Edward Norris,

[illegible]

Sir Hugh Owen.

[illegible]

Plymouth,

[illegible]

Arthur Herbert.

Plimpton,

Sir George Treby,

[illegible]

Sir Thomas Yarborough.

[illegible]

Sir Rowland Gwyn.

[illegible]

Sir Wm. Rich,

Sir Henry Fane.

Retford,

[illegible]

John Thornhaugh.

[illegible]

Sir Jon. Jennings.

[illegible]

Sir Roger Twisden,

Sir John Banks.

[illegible]

Rye,

Sir John Darrel,

[illegible]

Roger James,

[illegible]

Edw. Kynaston.

[illegible]

Sir Nicholas Pelham.

Shaftsbury,

[illegible]

Sir Matthew Andrews.

John Monk.

Sir Edw. Hungerford.

Somersetshire,

[illegible]

George Horner.

Sir Richard [illegible],

Stafford Town,

Charles Bertie,

Sir John Morton,

Suffolk,

Sir Richard Onslow,

Sir John Pelham,
Sir William Thomas.

Tavistock,
Sir Francis Drake,

Taunton,
Sir W. Portman,

Sir Francis Russel,

Richard Staines,

William Coleman.

Sir John Fowell,

Truro,

Thomas Tipping,

Sir Richard Verney,

Warwick Town,

Weobly,
John Birch

Michael Harvey,

Lord Russell,

John Wildman.

Worcester City,

Yorkshire,
Sir John Key,

York City,
Lord Dumblan,

[illegible] the Bath; where being seated, he spake to the following effect: "Gentlemen, I know [illegible] looked upon only as formalities; but I am so [illegible]

[illegible] a Letter from his highness, which the Speaker [illegible]

"My lords and gentlemen; I have endea- [illegible] lic peace and safety; and I do not know that [illegible] now lieth upon you to lay the foundation of a [illegible] such a full and free representative of the [illegible] ration will be attained: and since it hath [illegible] tions with so great success, I trust in him, [illegible] quiring a large and speedy succour, and the [illegible] a powerful enemy, who hath declared a war [illegible] is by treaty [illegible] gencies, so I am confident, that their cheerful [illegible]

[illegible]

[illegible] I need not urge arguments to give him Thanks; [illegible] a Settlement of the Nation, and till the lords [illegible] to him, desire 'that he will be pleased to take [illegible]

Mr. Hampden. I do concur in the motion. [illegible] have no time lost in considering it, so as things [illegible] to thank the prince, for the great action he has done in delivering the nation from Popery and Slavery; and, in the same words, to desire him [illegible] ment, till the lords and commons shall make [illegible]

Col. Birch. 'That Thanks should be re[illegible] &c.' I would not have it so; but, 'that God has done it by his means.' I could never have believed, some months since, what God, [illegible]

Sir Tho. Lee. Nothing will save your time [illegible]

[illegible]

Address of both Houses to the Prince.] The lords sent a Message, with an Address much of the same nature with that above debated, [illegible] agreed to as follows:

"We, the lords spiritual and temporal and [illegible] your highness, do return our most humble [illegible] blessing to us. We do further acknowledge [illegible] to take in the administration of the public [illegible] will take upon you the administration of pub[illegible] vation of our religion, rights, laws, liberties, [illegible]

And that your highness will take into your particular care the present condition of Ireland; and endeavour, by the most speedy [illegible] be made by us; which shall be expedited with all convenient speed; and shall also use our utmost endeavours to give dispatch to the mat[illegible]

[illegible] was as follows:

"My lords and gentlemen; I am glad that what I have done hath pleased you; and since you desire me to continue the Administration of Affairs, I am willing to accept it. I must recommend to you the consideration of affairs abroad; which maketh it fit for you to expedite your business, not only for making a Settlement at home upon a good foundation, [illegible]

Debate on filling up the Vacancies of the House.] Sir *Henry Capel.* This assembly [illegible] been a better election a great while, without [illegible] a great deal in one day, but this is not enough; so consider the word 'Administration;' it is but a small trust you repose in the prince; it [illegible] hither, the Protestants. I have seen quick [illegible] testants: I hope we shall now fight with them. His troops are wanted in Holland. I hope you will not neglect a day to consider them: The Protestants abroad are uneasy till they [illegible] we are a full house. Therefore, pray take the [illegible] will proceed with prudence and wariness. [illegible] I would have this great affair debated in a full [illegible]

Mr. Hampden. It is proper to resolve upon filling the Vacancies of the house. I would not preclude the motions for it; but it is the order of the house, on a Vacancy, to send your Let[illegible] to the proper officer, he must have a seal; but [illegible] Make a general rule for filling the Vacancies here, that, upon such a motion, application [illegible]

Mr. *Seymour.* We are in so unfortunate an [illegible] Letter sent to the Chancellor for a writ to fill up a vacancy, but by a warrant from the [illegible] 'You are to take care to chuse, &c.' It must [illegible]

Sir *Tho. Clarges.* A warrant from this house is a warrant for the lord keeper or [illegible] writ. Now you are here as a Convention, which is a resemblance of a parliament. The king, before he calls a parliament, sends his writ to chuse members: after you have sat here, then your precept; and now that we are [illegible] to the coroner.

The *Speaker.* Anciently, you sent to the [illegible] &c. There was, I remember, a great contro[illegible] Shaftsbury sending out Writs to fill Vacancies, [illegible] proposed; one for a letter from the Prince to [illegible] returns, Mr. Speaker do, for the future, upon [illegible] application to his highness the prince of Orange, desiring him to issue out his Letter, [illegible] or chief magistrates, as formerly, for the sup[illegible]

[illegible] both houses; in which, with great concern, he told them, "That he thought himself [illegible] open his people's eyes, that they might see the [illegible] conjuncture: that finding he could no longer [illegible] chester, under his own hand: that under[illegible] copies thereof to divers of them, the peers of [illegible] his sentiments: that he was resolved that nothing should be omitted on his part, that could contribute towards the Redress of all former [illegible] curing of the Protestant Religion, or the Pro[illegible] to a parliament legally called, freely [illegible] none might despair of his mercy, he declared [illegible] (some few excepted) resolving in that parlia[illegible] fit to take any notice of it, and so rejected it [illegible]

[illegible] 28. Col. *Birch.* It has been moved, by one [illegible] I have known it moved, in granting Money, and all ordinary business; but to leave it now, in a great business, you will make it twice as long. I move you to consider, that, as it will [illegible]

Serjeant *Maynard.* It is a great affair now upon you. It is never done till debated first [illegible] happen at a grand committee, without your directions first! You must, at a committee, [illegible]

[illegible] you take, I would not have you go out of the [illegible] strait-laced, in such a great matter, men will be in the house, where they can speak but [illegible] house went into a Grand Committee.

Mr. *Dolben.** I take leave to remind you of the order of the house on Monday, 'to consider of the State of the Nation:' but not at [illegible] sider the condition of the nation, as to that [illegible] ment, by the absence of the king. I tell you [illegible] and that James 2. is not king of England. For I lay it down as an undoubted proposition, [illegible] from the administration of the government, [illegible] wealth; when, on the contrary, he stops the [illegible]

[illegible]

* [illegible]

id est, a cession ; and 'demised' is 'deserted [illegible] vernment, or passively by death ; in either of [illegible] of government, all these cases have the same consequences. When the interruption is in the administration, or it is demised ; where [illegible] same remedy. It is the same thing for the [illegible] parenthesis in the government. By with- [illegible] original writ out of Chancery ; and when these fail, the law fails ; and, by consequence, it is a demise, for want of the administrators of the government ; which the law cannot suffer. 'Qui cessat regnare cessat judicare.' There is one authority in the Rolls, instar omnium, in the case of Ed. 4. There was a rumour that [illegible] he fled from Nottingham beyond sea ; which was a clear demise, and all proceedings in [illegible] demise. In 14 Hen. 6. there are many re- [illegible] mise ; 'remansit sine die,' because 'le roi se demise,' in effect *felo de se*. Writs of attach- [illegible] yond sea, without leaving a lieutenant. The [illegible] nounced this departure of Edw. 4. a demise. Perhaps it may be objected, that Edw. 4. [illegible] government, and resumed the government by conquest, not in a legal way, but by the sword. [illegible] force in them. Edw. 2. resigned the crown, but by duresse ; yet he made the resignation [illegible] a demise. Rd. 2.'s Resignation was *per mi-* [illegible] stronger in our case, which is a voluntary de- [illegible] was frighted or forced away, others can better tell ; but, by what is notorious to the world, there is a sufficient conviction that it was not force ; but that he did abandon his palace by [illegible] king's Letter to lord Feversham, wherein he is [illegible] only our law in the case, but the authority of foreign writers. By [illegible] it is a demise, and cessation of the govern- [illegible] God. Grotius lays down some : 'Si princeps [illegible] ministration of government, but did derelict ; and we argue well, that a dereliction is a de- [illegible] civilian, says, 'If a prince relinquishes the government, he ceases to be a king.' Regularly, I must end with a motion ; which is, [illegible] of the committee, "That king James 2. hav- [illegible] voluntary demise in him."

[illegible]

Sir *Rd. Temple.* This learned gentleman [illegible] man's breast. I shall farther declare, that the [illegible] ing to get votes before they meet, and to turn [illegible] shall not mention where ; though it has been [illegible] poses, and turned out, unless they assert power [illegible] of slavery and popery, ordinary justice destroy- [illegible] reign ! When a king attempts to destroy the [illegible] a tyrant. All he has done may be reduced to [illegible] the nation that king James has rendered him- [illegible] be not a Vacancy, and he has left the govern- [illegible] thing : he has suppressed the parliament writs : he has taken away the great seal ; and here is [illegible] is a renunciation of the government ? All his [illegible] tell the world, 'This is not from the lords, [illegible] vernment; and, were the king a person that [illegible] tion, 'That there is an avoidance in the government [illegible] provide for it.'

[illegible] in the government: that of the right and title to fill it up comes too late after the other question. Your question is, Whether the right itself is gone?

Sir *Christ. Musgrave.*[*] As to the matter of deposing kings, I shall leave that to the long robe, to exercise their abilities upon. I live near a kingdom (Scotland) where I know not how ill neighbours they will be, if they concur with your sense. I would be clear, whether the intention is to depose the king; and, if he has forfeited his inheritance to the crown, I would know from the long robe, whether you can depose the king, or no.

Mr. Comptroller *Wharton.*[†] I am glad [illegible] gentleman makes a question, whether the king [illegible] here, that he should come again. Abdication [illegible] would have no loop-hole to let in the king; for I believe not myself nor any Protestant in [illegible]

Sir *Christ. Musgrave.* I believe we are in [illegible] but I would willingly know the opinion of the long robe; and I hope they have that candour [illegible] affair.

Serj. *Maynard.* I know not the meaning of this, but I am afraid of a meaning. The question [illegible]; but, whether the king has not deposed himself. It is no new project: our government is mixed, not monarchical and tyrannous, but [illegible] may be such a transgression in the prince, that [illegible] disposes of, and because he asked a million for life, and we asked, the last parliament, but [illegible] was dissolved. It is a mistake, that Ireland was conquered; it was yielded to Hen. 2. by calling him to take possession of it; and for [illegible] slew 200,000 Protestants; and all that has [illegible] was in Irish hands. Was this done like a king of England? What shall we think of this? Ireland to be in Popish hands! Can the king give away that kingdom? This has been long creeping upon us. There is no Popish prince in Europe but would destroy all Protestants; as in Spain, France, and Hungary; and in Spain they destroyed a gallant young prince [illegible] Magdalen College a new St. Omers [illegible] you have power to depose the king, that may [illegible]

Mr. *Howe.* Some of the counsel talk as if they were instructing juries. I wish they [illegible]

Sir *George Treby.* I am sorry for this heat in a matter that requires our utmost deliberation. It is no less a question than, whether [illegible] robe declare, whether we have power to de[illegible] yet it is not proper now; for we have found the crown vacant, and are to supply that defect. We found it so, we have not made it so. Mr. Finch would have it, the king going out [illegible] government. He

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[*] "A gentleman of a noble family in Cum[illegible] deportment grave. He had lost a place in king James's time; for though he was always a [illegible] much to increase his revenue, and to offer him more than he asked; yet he would not go into [illegible] turned was given to a man that had a good [illegible] the king; and he, being a man of good judg[illegible] the party; in which he found his account so well, that no offers that were made him could [illegible] necessary to pay him very liberally." Burnet.

[†] Eldest son of lord Wharton, to which title he succeeded on his father's death. He was one of the first of rank who joined the prince of Orange on his landing, and, upon his ad[illegible] places under him, as he had also in the reign [illegible] nant of Ireland, and created earl of Wharton, [illegible] George I. lord privy seal, and soon after was created a marquis. He died in 1715.

[illegible]

[illegible]

notice of things before, and some since, his

[illegible]

Serj. *Maynard.* The difference is but in words: I will speak to the last only. I am not of opinion that the king, being a Papist, has [illegible]

Mr. *Finch.** You have had variety of motions, and have well collected them. Give me leave to examine the motions; and I ask pardon if I differ in some things. It is moved, [illegible] cated the crown, and made a total refusal of the government. It is moved to vary the state of the question, and only for the present to declare the Throne vacated. What question, in point of law, there is between 'demised, ab- [illegible] but one and the same: if it be meant 'vacancy in the Throne,' and you must fill it, and that it is devolved upon the people, that is, I believe, farther than gentlemen would go: I be- [illegible] mitting it. If we were in the state of nature, [illegible] and lost his inheritance, is farther than any gentleman, I believe, has, or will explain him- [illegible] little acceptable to such a foundation. The [illegible] call it, the descent is the consequence of all. [illegible] the administration be ever so ill, and that the [illegible] exercise of it. If by neglect, or male-administration, he can forfeit no more than is in him, then this consequence is no more, than that his personal exercise of the crown is gone; but still it must subsist somewhere. This is of the highest consequence that ever any debate was here, for Law and Religion to be established sure and firm. However we may weather it, [illegible] propose is difficult. I will not go about to say [illegible] Religion and Properties, when they did get [illegible] dom. These are things of a high nature, and [illegible] difficulty that will arise in the consequence, to say, that the king has made a total renun- [illegible] such desertion be an abdication? If he has lost [illegible] elective, and here will be consequences. I am [illegible]

[illegible] a state of infancy, or frenzy, the safety of the [illegible] nation. It is not hard to say, that the parliament must provide for the administration of the government, but to call this 'a direct forfeiture of the Crown!' I will not excuse the [illegible] would avoid all doubts, and not say, in real [illegible] pose it the case of a lunatic, or infant, the nation may provide for the government; and were the king a person that took care of the [illegible]

[illegible] stances of what has been said, though I agree in the main. There is an inconvenience in resting upon the word 'demise.' Richard ii. [illegible] with arbitrary government in the laws temporal, but in the laws of the church too, thereby to influence our souls as well as our bodies; [illegible] no wonder, when a Jesuit and Papist sat in council, that all corporations were subverted, [illegible] design of Rd. ii. to try sheriffs, to pack a parliament, to make the people own their destroyers. But if the demise of the government fail, where is the foundation we are upon? It must be somewhere. By a legal and just trial, [illegible] to act from his laws. When he acts by his will, and not by the laws, he is no king; for he acts by power and tyranny. I have heard, 'that the king has his crown by divine right,' [illegible] King. This original of power, resistance or [illegible] remains but that the king has made abdication [illegible] off both Church and State? Could he have [illegible] thing unattempted to destroy us: and if this be so, it is my opinion that there is an abdica- [illegible] the people, who are here in civil society and [illegible] does consecrate all these violations of our laws, it is strange! If the king be of another religion from his people, and makes a combination [illegible]

[illegible]

[illegible]

lord chief justice.

[illegible]

Mr. *Boscawen.* I have hearkened [illegible] a great while, but I know not how to understand, 'that the fourth part of the people [illegible] 'that this is not a parliament.' I would know [illegible] calling this? I am of opinion, that, if we sit [illegible] as you are, you may sit till doomsday. Gentlemen [illegible] they were told, 'that the king could not be [illegible] done:' and I believe none are willing to go into [illegible] If the king's going away be a demise, then you [illegible] the king, but a little one beyond sea too, that will pretend. I would say no more, but 'that the Throne is void;' then take the best way you can; and there is but one to defend you from [illegible] your laws. We must not fight with a bulrush: therefore declare 'that the Throne is void,' and fill it. And pray put the question, 'that [illegible]'

Sir *Wm. Pulteney.* I shall speak short to the question, whether 'abdication,' or 'the Throne void.' I would have both in the question [illegible] making any provision for the administration of [illegible] have already, in effect, declared 'a demise?'

Mr. *H*[illegible] very till the tyrant run away. I will not say [illegible] lieutenants set over us: therefore put into the [illegible]

Mr. *Finch.* I desire to explain myself. It is insinuated as if, from what I should have said, a loop-hole may be left for the king's return. I am so far from that, that I think [illegible] unanimous consent of the nation. I think the government not safe by his administration; but all men will agree to be secured. I did say no more. I did not mean to capitulate, but to establish things by such a regent during the king's life; if there may be such a security [illegible] government; for the king by going away, &c. [illegible] trusted; and we may fear that, in the regency, power may be exceeded; therefore we have a [illegible] his titles, every man must swear to his vote, [illegible]

Sir *Rob. Howard.** A regency and the [illegible] Much is said of the Succession; but we are the people; and threaten ourselves by ourselves [illegible] chuse? To talk of preserving the Succession as [illegible] will find another for you.

[illegible] sion, in my judgment. I heard him say, 'That [illegible] law, the king can do no wrong; for that reason ministers are called to account. There is [illegible]

Mr. *Roberts.* If the question is to have no [illegible] king's natural demise, I will go nem. con.

Lord *Colchester* moves to report it presently.

Sir *Wm. Williams* moves the house to sit to-morrow, and receive the Report.

Sir *J. Knight* would immediately have a [illegible]

Sir *Rowland Gwyn.* Time is precious, I would report now.

Mr. *Medlicot.* Security depends on dispatch.

Sir *J. Knight.* Consider the bleeding condition of Trade.

Vote declaring the Throne Vacant.] At [illegible] Resolution:—Resolved, "That king James the Second, [illegible]

Further Debate on the State of the Nation.] Jan. 29. [illegible] a Grand Committee, on the State of the Nation.

Col. *Birch.* When I consider the extra[illegible] me; and I am not able to comprehend this [illegible] Tyranny. If we go through with this work, let [illegible] fore I shall tell you what I mean. King James 1 was so fond of the Spanish match (though that proved a French match at last) that he lost the Palatinate by it: then followed pulling [illegible] When once king Charles 1 married a Papist, [illegible] a Civil War. At last I was in it, and, I thought, on the right side—(I am sure, I en- [illegible] on. Then came the breaking the laws and liberties, when things were near a conclusion. It was not the fault of the ministers of the Church of England; nay, nor the Non-con- [illegible] latry. I remember what was said in this house, [illegible] queen: 'men will follow their interest; and it [illegible] not prosper but in an arbitrary, tyrannical soil. If there had never a book been written on this subject, yet men may see, that, if God [illegible] sheep to the slaughter. If then we are like to be ruined, if governed by a Popish prince, my motion is, 'That you will vote it inconsistent with a Protestant State to be governed by a [illegible]

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* The remainder of this day's debate is [illegible] ii. p. 411.

† "The above complicated Resolution (when [illegible]

Sir *Rd. Temple.* I hope this will have no debate; for we have found by experience, that a Popish king is inconsistent with the government of a Protestant nation.

[illegible] plots against the life of the late king Charles, [illegible] to what farther you intend to do. I move, 'that you will vote it inconsistent with a Protestant Government to have a Popish prince.' There is a possibility that a Papist may be saved, and a possibility that a Popish king [illegible] were the king, it is next to an impossibility that [illegible] nor common law against a Popish prince, [illegible]

[illegible] 'there is neither common nor statute law against a Popish king;' but the government of [illegible] tate, either ecclesiastical or civil, has any thing to [illegible] acknowledge the Pope to be supreme; but it [illegible] therefore to say, 'that there is no statute law, &c.' is strange to be averred by the long robe. I move, therefore, that you will not only de- [illegible] testant Religion to be governed by a Popish prince, but 'that it is against our law.' Our [illegible] with a nuntio from the Pope: 400 years toge- [illegible]

Sir *Rob. Sawyer.* Will that gentleman say, [illegible] Popish government? I am sure, without doors, [illegible] Hen. 8 should not be some time a Popish prince.

Major *Wildman.* Hen. 8 renounced Po- [illegible] Rome, and [illegible]

Mr. *Hampden.* I have a great deference to the learned person; but the Pope's supremacy [illegible] William the Conqueror, who found his clergy high, and therefore he got a foreign power over them, [illegible] grievance, of the Pope's power in Appeals, [illegible] was made. Hen. 8 was the first prince that totally [illegible] the government; and all agreed to it, and the [illegible] to come over for nuntio. I desire the question [illegible]

Lord *Falkland.* For the honour of your pro- [illegible] sistent with the law to have a Popish king, pursue your Vote of yesterday.

Resolved, "That it hath been found, by experience, to be inconsistent with the safety and welfare of this Protestant kingdom, to be governed by a Popish Prince."

Mr. *Wharton.* You resolved, by Vote, yesterday, 'That the Throne was vacant;' and I suppose every gentleman, and those few that [illegible] the throne, and re-settling the government; and I hope it will be done as near the ancient government as can be. It is a matter of the greatest weight, and deserves the greatest consideration. Consider of it a thousand years, and you cannot cast your eyes upon a person so well to fill it as the prince and princess of Orange. [illegible] to the Papists, or hanged. I hope, that, for [illegible] them, and put them in a condition of saving us from the dangers of the future. [illegible] good reign, and so not a good precedent; but I hope we shall be all happy under king William and queen Mary.

Lord *Falkland*. It concerns us to take such care, that, as the Prince of Orange has rescued us from Popery, we may secure ourselves from Arbitrary Government. The Prince's Declaration is for a lasting foundation of the government. I would know what our foundation is. Before the question be put, who shall be set upon the Throne, I would consider what powers we ought to give the crown, to satisfy them that sent us hither. We have had [illegible]; and I hope we shall never leave that doubtful. The king set up an Ecclesiastical Commission [illegible] law, and [illegible] the Crown. Therefore, before you fill the throne, I would have you resolve, what power you will give the king, and what not.

Mr. *Garroway*. We have had such violation of our liberties in the last reigns, that the prince of Orange cannot take it ill, if we make conditions, to secure ourselves for the future, and [illegible] to those who sent us hither, and not deliver them up without very good reason.

Sir *Wm. Williams*. When we have considered the preservation of the laws of England for the future, then it will be time to consider the persons to fill the Throne. The Prince's Declaration has given us a fair platform. Some of our laws have been very grievous to the people, [illegible], and perhaps [illegible]; these are to be redressed. Because king Charles 2 was called home by the Convention, [illegible] you found the consequence. Charles 2 was a young man, in the strength of his youth, and, you know, much money was [illegible] the Militia [illegible]. I take it to be your security to settle your safety for the future, and then to consider the person. I now speak for all England. I would consider purging Corporations, and arbitrary power given the late king by the judges: weak judges will do weak things; their master commands them; they read no books, and know nothing to the contrary. I could give many more instances.

Sir *Rd. Temple*. I hope you will not leave till you see how we got out of our rights. Secure your estates, and you cannot better recommend the government to one to succeed than by settling these things. I will reduce my thoughts to three heads essentially necessary. 1. Encroachment upon Parliament, that in the hands where you will place the government there may be no danger; to secure posterity; and you may have time to call persons [illegible], if they will not do what pleased; to provide for their [illegible] nation; and to provide for Elections of Parliaments, that Corporations may not be made tools to nominate whom they please; to provide [illegible] Army [illegible] peace, [illegible] part of [illegible]. The [illegible] all England. 2. Your care should be, that Westminster-hall [illegible], and not under pretence of the king's prerogative, to give away all. That the Judges be 'during life,' [illegible] of juries, and that Westminster-hall have as little [illegible] Westminster-hall decided not great cases, but left them to [illegible]. The Judges' [illegible] *dicere* but *facere*. In new and difficult cases, [illegible] what they are bid to judge. 3. The Coronation-Oath to be taken upon entrance into the government, and, as we are sworn to our kings, so they to be sworn to protect us. [illegible] ends of the Prince's Declaration, with some such securities as I have mentioned, that these things may be taken care of; [illegible].

Mr. *Boscawen*. We know, that the Prince's Declaration [illegible] Parliament. The Act for regulating Corporations was upon a specious pretence to secure the crown, but had the end with the commissions [illegible] loyal, yet if they differed from the designs of the ministry, they were put out. The Militia, under pretence of [illegible] the government, [illegible] without any cause: I myself was so dealt with. There is a clause in the Militia-Act, for a week's tax [illegible], and not to exceed it; but as it is now practised, 2 or 3 years have been [illegible], without regard to the act. Arbitrary Power is ill in a prince, [illegible]. The Triennial Bill for parliaments was but a device, when we were going into slavery; but by such an act, if we have no redress, [illegible] (as Mr. Vaughan, [illegible] was as much for the king as any) 'better to have no law at all.' I move, that these things may be taken into consideration.

Resolved, "That, before the Committee proceed to fill the Throne, now vacant, they will proceed to secure our Religion, Laws, and Liberties."

Serjeant *Maynard*. I agree to the Vote; but I fear, if we look so much one way on Arbitrary [illegible] years, [illegible] moved. One says, 'in the Saxon time, the [illegible] Parliaments cared not which way they run, so Pensions were paid. The management of the [illegible] in coffee-houses and better places, of fine things [illegible] care of over-loading your horse, not to undertake too many things. I would go only to [illegible] have a king and prince over us, but for the [illegible] haps, are dissatisfied with the power, some with [illegible] all, that posterity may never be in danger of [illegible]

Mr. *Sacheverell.* Since God hath put this [illegible] laugh at us, if we make a half settlement. As [illegible] has is his own. Unless you look backward [illegible] gentlemen. We must look a great way backward. I cannot find three laws, from 20 years upwards, that deserve to be continued. In the [illegible] they could live without you; pensions were [illegible] the government, because they endeavoured to [illegible] back a great way; but secure this house, that parliaments be duly chosen, and not kicked out at pleasure; which never could have been [illegible] that they might never stand in need of parlia[illegible]

Mr. *Pollexfen.* First make a Settlement of [illegible] the nature of this proposition; if this be to confound you, it is a dreadful proposition: I [illegible] ment as any man, and for repressing the exorbitances of it; but the way you are in will not [illegible] at you are making laws to bind your prince, it will tend to confusion. The greatest enemy [illegible] would have; and the more we divide, the more it makes way for the Popish interest. Popery is the fear of the nation, and all that [illegible] come in, and that the Tests would keep it out. [illegible] sals, before he is king? We cannot; and when [illegible] laws. To stand talking, and making laws, and in the mean time have no government at all! they hope better things from our actions abroad, and a better foundation of the Protestant interest. The Prince's Declaration is [illegible] late times; and, not coming to a Settlement, it ended in their own destruction, and never came into any settled government; so the authority of the king swept away all at last. We lately had a bill of Exclusion; it was talked of so long, that both parties suffered, one formerly, the other since. A law you cannot make till you have a king. The thing you go upon is not practicable. One gentleman is of opinion [illegible] 'the crown,' another 'to make a new Magna [illegible]

Mr. *Garroway.* I would not draw this debate out at length; somewhat must be done: [illegible] several persons to be redressed. I hope we do not go about to sit here till all be done. [illegible] to the Prince that these things may be done, and, under some short Heads, to present the [illegible] security to the government; and let an Oath be administered to him; and in a few days you may come to your end.

Mr. *Seymour.* We shall suffer by our doing [illegible] you think fit to leave the dispensing power unquestioned in Westminster-Hall? Though the clock do not strike twelve at once, must it not strike at all? Will you do nothing, because you cannot do all? Will you let men go in the same practices they have formerly? Will you [illegible] selves? What care I for what is done abroad, if we must be slaves in England, in this or in that man's power? If people are drunk and rude below, as was complained of, must that stop proceedings in parliament?

Sir *Thomas Lee.* I find there is a difference in the committee, how to word the question. [illegible] every man's sense. If you put it so general, how our Liberties have been invaded, perhaps a few days will state it. There was an opi[illegible] that must be [illegible] prince.

Col. *Birch.* I am as much afraid of losing time as any body: whereas disorders of the Army in Ireland are spoken of, they will be still worse, unless provision be made to keep us from Slavery and Popery. I differ from what gentlemen say, as to the time it will take you up. I think it will not take you a day's time, when you have filled the Vacancy of the [illegible] for, I know not what we should fast for. I will not call to-morrow Sunday, (January 30.) for I do not find it called so in books: I would [illegible] morrow. There is a Tax called Hearth-money; [illegible] times more safety than in all his Army; and [illegible]

Mr. *Hampden,* jun.* You are, by order, to consider the State of the Nation. Though you [illegible] crown, you have not done all; we are still free, and not tied by Oaths. The time presses hard, on many accounts; and to rise without [illegible] of the government. In the late Convention, there was a Vote passed, 'That the Govern[illegible] You have voted, 'That king James has violated the Constitution of the nation,' call the chief governor what you will.

Mr. *Harbord.* You have an infallible secu[illegible] all the Revenue is in your own hands, which [illegible] support the government without the Revenue? Can he do good or harm without it? It is reasonable that you should be redressed by laws; but [illegible] sword, how will you be secured from the dangers from Ireland, and the mutiny of the Army? All may be lost, whilst you are consid[illegible]

[illegible] and then provide for the rest.

Sir *Christ. Musgrave.* In justification of your Vote yesterday, to declare your Grievances, you are to declare wherein king James [illegible] In the first place, put the question, "That you will [illegible] ties of the nation; and that you will appoint a Committee to bring in general Heads, of [illegible]"

A Committee was appointed accordingly.

Thanks voted to the Clergy, Army, and Navy.] The commons resolved, nem. con. "That the [illegible] the Church of England, who have preached and written against Popery, and refused to read, in their Churches, the late king's Declaration for Toleration, in opposition to the pretended Dispensing Power, claimed in the reign of the late king James 2. and have opposed the late illegal Ecclesiastical Commission."

Resolved, nem. con. "That the Thanks of [illegible] and Mariners, in the Army and Fleet, for hav[illegible] very; and also to all such who have appeared in arms for that purpose."

[illegible] house of lords resolved into a committee of the [illegible] was, 'Not to agree with the Commons, That the Throne was vacant,' but only first to suppose it, for the present, leaving it to be farther examined afterwards, in order to cut short several other questions, by determining this first, 'Whether the Throne being vacant, it ought to be filled up by a Regent or a King?' This [illegible] skill, and no little warmth: among the orators, the earl of Nottingham brought many argu[illegible] opinion for a Regency with the regal power, [illegible] adding a fresh instance from Portugal, where Don Pedro had only the title of a Regent conferred upon him, while his deposed brother [illegible] great an influence upon the house, that it would [illegible]

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* "Grandson of him who had pleaded the cause of England in the point of Ship-money, with king Charles 1. His father was a very eminent man, and zealous in the Exclusion. He was a young man of great parts, and one of the learnedest gentlemen I have ever known, for he was a critic both in Latin, Greek, and [illegible] vivacity, but too unequal in his temper." Burnet

[illegible] was tried at the court [illegible] king's Bench in 1683, for a conspiracy to disturb the peace of the realm, [illegible] misdemeanor in that court. He was after[illegible]

[illegible] attending that proposal. So that the question [illegible] 49 only for a regent; namely, the dukes of [illegible] Beaufort and Northumberland; the earls of Kent, Pembroke, Clarendon, Rochester, Cra- [illegible] Litchfield, Yarmouth and Lindsey; viscount Weymouth, the lords Coventry, Brook, Leigh, Ferras, Maynard, Chandois, Jermin, Arundel of Trerise, Dartmouth, Godolphin, Griffin, [illegible] bishops of Norwich, Winchester, Ely, St. Asaph, Bath and Wells, Peterborough, Chichester, Rochester, St. Davids, Oxford, Glou- [illegible] Canterbury was also absent; and indeed the prejudices conceived against a deposing power, [illegible] great an impression upon the minds of the [illegible] for a king was soon after strengthened by four [illegible] 'Whether or no there was an Original Con- [illegible] tion occasioned many warm disputes; not a [illegible] by divine right; which others vehemently de- [illegible] longed to the community, and to the king only [illegible] being divided, 53 were for the last position, and 46 only for the negative; by which it appeared, that the party that were for a Regency [illegible] was, 'Whether king James had broke that Original Contract?' but this being so manifest, it was soon carried in the affirmative. On the [illegible] deration the word 'Abdicated:' and concluded that 'Deserted' was more proper. They next examined the word 'Vacant' and put this Question, 'Whether king James having broke that Original Contract between him and his people, and deserted the government, [illegible] upon a division, one party, who maintained it as a maxim of our law, 'That the king never dies,' and therefore, 'that the Throne can [illegible] volved upon the next heir; and moved that [illegible] their Resolutions to the house of commons; [illegible] 'That the Throne was not vacant.'*

A tumultuous Petition set on foot.] Feb 1. [illegible] foot the following Petition, and endeavoured to get it subscribed by the multitude indifferently, going to all public places to solicit men's hands: "To the lords spiritual and [illegible] the humble Petition of great numbers of citi- [illegible] in a deep sense of the danger of delays, and [illegible] our enemies at home and abroad; and that Ireland, now in a bleeding and deplorable condition, may be rescued from its miseries, and these kingdoms settled on a lasting foundation [illegible] ness the Prince being informed of the ill con- [illegible] and published to suppress it: "By the Lord- [illegible] selves to be citizens of London) in a tumultuous and disorderly manner have lately disturbed the present Convention of the lords [illegible] of petitioning; it being regular and usual for [illegible] men: therefore, with the advice of my bre- [illegible] ance, or assembly, as they will answer the contrary at their utmost peril."*

Feb. 2. Their lordships sent a Message to the commons, to acquaint them, That they [illegible] two Amendments; first, instead of the word 'Abdicated,' they would have 'Deserted' be put in; and next, these words, 'And that the Throne is thereby vacant,' to be left out.

[illegible]

[illegible] Commons on the Lord's Amend-ment [illegible] Sir R. [illegible]

Y[illegible] the word 'abdicated' [illegible] is proper [illegible]. As for 'Desertion,' I appeal whether it is a proper conclusion to the premises. The lords have left out the whole [illegible] the matter. They have agreed 'that king James has subverted the Constitution of the government, has violated the original contract, and has withdrawn himself, &c.' Consider whether this be a proper conclusion. By doing these acts, he has most properly 'abdicated the government,' by the premises plainly. By subverting the constitution, he will govern by an arbitrary power, though sworn to rule according to original contract. The hour he does it, it is a renunciation of the government. [illegible], and all approved authors, call this 'Abdicating the Government.' [illegible] a fear of the [illegible] it; and, that, by all the Judges, was judged 'a Demise.' I desire you will not agree with the lords.

Mr. *Hampden.* The dispute with the lords is about a word changed. It is your word now, the word of the house, and I was ever of opinion the most proper word. 'Forsaken,' [illegible] other words were mentioned here; but, I think, 'abdicating' was in request among the Romans. When a parent 'abdicated' his child, he gave him no maintenance: though the child never forsook the father, yet if he deserved it, he was 'abdicated.' [illegible] have been done as violating the original contract, &c. is not 'Self-Abdication' more than desertion? If it comes to [illegible], you will then see the value of the word. Should you say, king James has deserted [illegible], and may come again, for doing a thing, justly to be abdicated, the question is, whether you will [illegible] word, agree or not agree with the lords.

Sir *Tho. Clarges.* This is a great business before you; all tends to the settlement of the nation. Union is so necessary at this time, [illegible] with the lords in the Amendments. 'Desertion' seems more proper than 'Abdication,' which is not so needful nor proper. As for precedents, it must be voluntary. That of Charles 5 and [illegible] Alphonso king of Portugal; his government [illegible] Edw. 2 [illegible] and oppressions, by the advice of wicked counsellors, to [illegible] the lords in the word 'Desertion.'

Mr. *Finch.* I would agree with the lords, for these very reasons [illegible] of Edw. 4. out of the kingdom was judged 'a Demise.' If you say king James deserted the kingdom, [illegible] entire; whether he did 'abdicate' or 'desert,' is not material. There is good reason why you should agree with the lords; and I take 'desert' to be the more proper word: I am sure it is most proper to agree with the lords. But whether 'deserted' or 'abdicated,' I would not differ with the lords; for the consequence is the same to you, and you may agree.

Sir *Rd. Temple.* I am mis-recited, and therefore desire to be rectified. I did not say 'that king James deserted the kingdom,' but the government. [illegible]

Lord F[illegible]. [illegible] merely [illegible] the government. But 'Abdication' relates to breaking your laws, and [illegible] out 'the Throne vacant.' I would therefore not agree with the lords.

Mr. *Dolben.* The precedent I cited the other day, and inferred [illegible] upon it, that [illegible] kingdom and the government, was a demise, and I was [illegible] by the opinion of the Judges [illegible], you pronounced it an 'Abdication' in king James. But barely 'a Demise,' and 'a withdrawing,' without the consideration of all the breaches he had made in the government, the house did not call it, but the word 'Abdication.' I would agree with the lords if I could agree with ourselves, and our own senses, first. The lords have so far concurred with your Vote, 'That king James has broken the original contract betwixt the king and people.' The premises [illegible] the conclusion, are the vote [illegible], and we must stand by it.

Sir [illegible] *Sawyer.* Authors that write of 'Abdication' say, 'to desert' is 'to abdicate.' All that the lords mean by 'Abdication,' you mean by 'Desertion.'

Sir *Rob. Howard.* 'Desertion' is a Latin word, and 'Abdication' is another. If there [illegible] word, [illegible] deserted the government, and the Throne is not vacant; and the king may have the help of a Regency. They are both Latin words alike, and both English: 'Abdication' arises from 'vacated.' [illegible] their last Amendment, 'That the Throne is vacant.'

[illegible] in the throne. I am sorry to hear of a great number that would bring the king back again; [illegible] Protestants, you may easily judge. I am sure it [illegible] but I believe [illegible] nem. con.

[illegible]

[illegible] and people, and hath violated the fundamental [illegible] notify so much to the people of this kingdom. 3. It is from those who are upon the throne of England (when there are any such) from whom the people of England ought to receive protection; and to whom, for that cause, they owe the allegiance of subjects; but there being none now from whom they expect regal protection, and to whom, for that cause, they owe the allegiance of subjects, the commons conceive the throne is vacant."

A Conference with the Lords thereon.] Resolved, "That the earl of Wiltshire do go up to the Lords, to desire a Conference upon the subject matter of the Amendments." The earl of Wiltshire reports, "That he having attended the lords, to desire a Conference, they had given Answer, That they did consent to a Conference immediately in the Painted Chamber."

Resolved, "That the Committee, to whom it was referred to prepare the Reasons to be offered at a Conference with the lords, be the Managers of the said Conference."

Mr. Hampden reports from the Committee appointed to manage the Conference with the lords, That they had attended the lords at the Conference, and communicated unto their lordships the Reasons why this house doth not concur with their lordships in the said Amendments.

Feb. 5. Mr. Hampden reports from the Conference with the lords, that the earl of Nottingham spoke to this effect:

"That the lords had desired this Conference with the commons, that they might be as happily united to the commons in opinion, as they are inseparable in their interest; and that they are, at this time, uneasy that they cannot concur with the commons in every thing; because it is of so great a concern to the nation, and [illegible] great and weighty [illegible]. That he then delivered what the lords had done in reference to the subject matter of the last Conference, and said, 'That the lords did insist upon the first Amendment of the Vote of the house of commons of the 28th of Jan. last, instead of the word 'abdicated' to have the word 'deserted.' 1. Because the lords do not find, that the word 'abdicated' is a word known to the common law of England, and the lords hope the commons will agree to make use of such words only, whereof the meaning may be understood according to law, and not of such as will be liable to doubtful interpretations. 2. Because in the most common acceptation of the civil law, abdication is a voluntary express act of renunciation, which is not in this case, and doth not follow from the premises, that king James 2. by having withdrawn himself, after having endeavoured to subvert the constitution of the government, by breaking the Original Contract between king and people, and having violated the fundamental laws, may be more properly said to have abdicated than deserted.'—He said, the lords did insist on the second Amendment, to leave out the words, 'And that the Throne is thereby vacant,' for this Reason, That though the Lords have agreed, that the king has deserted the government, and therefore have made application to the Prince of Orange, to take upon him the administration of the government, and thereby to provide for the peace and safety of the kingdom, yet there can be no other inference drawn from thence, but only that the exercise of the government by king James 2. is ceased: so as the lords were, and are willing, to secure the nation against the return of the said king into this kingdom, yet they do not think that there was either such an abdication by him, or such a vacancy in the Throne, as that the crown was thereby become elective, to which they cannot agree: 1. Because, by the constitution of the government, the monarchy is hereditary, and not elective. 2. Because no act of the king alone can bar, or destroy, the right of his heirs to the crown; and therefore in answer to the third Reason alledged by the Commons, that the Throne is vacant, [illegible] James [illegible] allegiance is due to such persons as [illegible]."

Then the question being put, That this house do agree with the lords in the said first Amendment, it passed in the negative.

Then the question being put, That this house do agree with the lords in the said second Amendment: the house divided. Yeas 151. Noes 282. And so it was resolved in the negative.

DEBATE IN A FREE CONFERENCE RELATING TO THE WORD "ABDICATED."] Resolved, "That a Free Conference be desired with the lords upon the subject matter of the last Conference." Ordered, "That it be referred unto sir Robert Howard, Mr. Pollexfen, Mr. Paul Foley, Mr. serj. Maynard, Mr. serj. Holt, lord Falkland, sir George Treby, Mr. Somers, Mr. Garroway, Mr. Boscawen, sir Tho. Littleton, Mr. Palmer, Mr. Hampden, sir Henry Capel, sir Tho. Lee, Mr. Sacheverel, major Wildman, col. Birch, Mr. Ayres, sir Rd. Temple, sir Henry Goodrick, Mr. Waller, sir John Guyse, to manage the Conference."

Ordered, "That Mr. Dolben do go up to the lords, and desire a Free Conference with the lords, upon the subject matter of the last Conference."—Mr. Dolben reported, "That he having, according to the order of this house, attended the lords, to desire a Free Conference with their lordships, upon the subject matter of the last Conference, they had agreed to a Free Conference presently in the Painted Chamber."

And the Managers went to the Free Conference in the Painted Chamber, which was thus opened by Mr. Hampden.*

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* "In this Conference, according to the [illegible], the commons had clearly the advantage on their side. The lords had the more colour in opposing the word 'abdicate,' since that was often taken in a sense that imported the full purpose and consent of him that abdicated; which could not be pretended in this case. But there were good authorities brought, by which

My lords; the commons have desired this Free Conference with your lordships upon the subject matter of the last Conference, that they may, as they hope, satisfy your lordships, that it is not without good reason, that they are induced to adhere to their own Vote, to which yet your lordships have made some Amendments: [illegible] with your lordships, That it is a matter of the greatest concernment to the kingdom in general, its future peace, and happy government, [illegible] abroad, that there be a good issue and determination of the business now in debate between both houses, and as speedy a one as can [illegible] and to maintain a good correspondence between [illegible] juncture; this, my lords, will bring honour and [illegible] after all our late convulsions, and discourage our enemies from attempting to undermine it. [illegible] between your lordships and the commons is only about a few words; but the commons [illegible] for which they are used, and so proper to the [illegible] weighty a matter as that now in debate, they [illegible] 'abdicated,' the commons conceive, is of larger [illegible] be applied to all the recitals in the beginning [illegible] should be applied. Nor ought it to be restrained to a voluntary express resignation, only [illegible] will be significant enough to amount to it.—My lords; that the common law of England is not acquainted with the word, it is from the modesty of our law, that it is not willing to suppose [illegible] Your lordships next Amendment is, That your lordships have left out the last words in the commons vote, 'And that the Throne is thereby vacant.'—My lords; the commons conceive it is a true proposition, 'and that the T[illegible] it appear that this is no new phrase; neither is it a phrase that perhaps some of the old records may be strangers to; or not well acquainted with. But they think it not chargeable with the consequence that your lordships have been pleased to draw from it, 'That it will make the crown of England become elective.' [illegible] filled it; and it would be known by some pub[illegible] in whom the kingly government resided; neither of which had been done; and yet your [illegible] vacant.—My lords, I am unwilling to detain [illegible] said for your lordships satisfaction in these matters, by those whose Province it is: I am [illegible] houses, in this so very considerable a point.

[illegible] by which the word 'abdicated,' in the commons vote, is changed into the word 'deserted;' and I am to acquaint your lordships what some [illegible] to insist upon the word 'abdicated,' and not [illegible] find is a word known to the common law of England; and therefore ought not to be used: [illegible] of the word amounts to a voluntary express act [illegible] premises.—My lords, as to the first of these [illegible] 'abdicated' hath not a known sense in the common law of England, there is the same objection against the word 'deserted:' for [illegible] duced, wherein any determined sense is given [illegible] Latin words, and used in the best authors, and both of a known signification; their meaning is [illegible] meaning be not the same: the word 'abdicated' [illegible] with it; and that whether it be done by express [illegible] your lordships put upon it, and which is pro[illegible] mons take to be the present case, and there-

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it appeared, that when a person did a thing upon which his leaving any office ought to follow, he was said to 'abdicate.' But this was a critical dispute; and it scarce became the greatness of that assembly, or the importance of the matter." Burnet fore made choice of the word 'abdicate,' as that which they thought did, above all others, most properly express that meaning: and in this latter sense it is taken by others; and that it is the true signification of the word, I shall shew your lordships out of the best authors.—The first I shall mention is Grotius, "de Jure Belli & Pacis," l. 2. c. 4. §. 4. 'Venit enim hoc non ex jure civili, sed ex jure naturali, quo quisque suum potest *abdicare*, & ex naturali præsumptione qua voluisse quis creditur, quod sufficienter significavit.' And then he goes on, 'recusari hæreditas non tantum verbis, sed etiam re potest, & quovis indicio voluntatis.'—Another instance, which I shall mention, to shew that for the abdicating a thing, it is sufficient to do an act which is inconsistent with the retaining of it, though there be nothing of an express renunciation, is out of Calvin's Lexicon Juridicum, where he says, 'generum *abdicat*, qui sponsam repudiat:' He that divorceth his wife, *abdicates* his son-in-law. Here is an abdication without express words; but is by doing such an act as doth sufficiently signify his purpose.—The next author, that I shall quote, is 'Brissonius de Verborum significatione,' who hath this passage, 'Homo liber qui se [illegible] vendit, *abdicat* se statu suo,' that is, He who sells himself, hath thereby done such an act as cannot consist with his former estate of freedom: and is therefore properly said, se *abdicasse* statu suo.'—Budæus in his Commentaries "ad legem secundam de origine juris," expounds the words in the same sense, 'abdicare se magistratu, est idem quod abire magistratu:' He that goes out of his office of magistracy, let it be in what manner he will, has *abdicated* the magistracy.—And Grotius in his book De Jure Belli & Pacis, l. 1. c. 4. § 9. seems to expound the word 'abdicare,' by 'manifeste habere pro derelicto' that is, That he who hath 'abdicated' any thing hath so far relinquished it, that he hath no further pretension to it. And that is the sense the commons put upon the word. It is an entire alienation of the thing, and so stands in opposition to 'dicare:' 'Dicat qui proprium aliquod facit; abdicat qui alienat,' so says Pratejus in his Lexicon Juris. It is therefore insisted upon as the proper word by the commons.—But the word 'deserted' (which is the word used in the Amendment made by your lordships) hath not only a very doubtful signification; but in the common acceptance both of the civil and common law, doth signify only a bare withdrawing, a temporary quitting of a thing, and neglect only, which leaveth the party at liberty of returning to it again. 'Desertum pro neglecto,' says Spigelius in his Lexicon: but the difference between 'deserere' and 'derelinquere,' is expressly laid down by Bartolus upon the 8th law, of the title [illegible] of the 11th book of the Code; and his words are these, 'nota diligenter, ex hac lege, quod aliud est agrum deserere, aliud derelinquere; qui enim derelinquit, penitus ex patrimonio [illegible] revocat: sed qui deserit, curam & culturam potest.' Whereby it appears, my lords, that that is called deserted, which is but temporary and relative: that is called desertion, where there is the power or right to return. So in the best Latin authors, and in the civil law, 'Deserere exercitum' is used to signify such a leaving the colours, [illegible] And in the Canon law to desert a benefice, signifies no more than to be non-resident; so is Calvin's Lexicon, Verb. Desert. So that in all these cases, the party hath not only a right of returning, but is bound to return again: which, my lords, as the commons do not take to be the present case, so they cannot think that your lordships do: because it is expressly said, in one of your Reasons given for the first Amendment, That you would [illegible] nothing to secure the nation against the return of king James; which your lordships would not in justice do, if you thought the king had done no more than a negligent withdrawing, which leaveth a liberty to the party to return.—For which Reason, my lords, the commons cannot agree to the first Amendment, to insert the word 'deserted,' instead of 'abdicated,' because it doth not, in any sort, come up to their sense of the thing, so, and appears that it doth not reach your lordships meaning, as it is expressed in your Reasons; whereas they look upon the word 'abdicated,' to express properly what is to be inferred, from that part of the Vote to which your lordships have agreed, That king James II. by going about to subvert the constitution, and by breaking the original contract between king and people, and by violating the fundamental laws, and withdrawing himself out of the kingdom, hath thereby renounced to be a king according to the constitution, by avowing to govern by a despotic power, unknown to the constitution, and inconsistent with it; he hath renounced to be a king according to the law, such a king as he swore to be at his coronation, such a king to whom the allegiance of an English subject is due; and hath set up another kind of dominion, which is to all intents an 'abdication,' or abandoning of his legal title, as fully as if it had been done by express words.—And, my lords, for these Reasons the commons do insist upon the word 'abdicated,' and cannot agree to the word 'deserted.'

Mr. Serj. *Holt.* My lords; I am commanded by the commons to assist in the management of this Conference, and I am to speak to the same part [illegible] Amendment. As to the first of your lordships Reasons for that Amendment, [illegible] ships) I do conceive it not sufficient to alter the minds of the commons; or to induce them to change the word 'abdicated,' for your lordships word 'deserted.'—Your lordships Reason is, That it is not a word that is known to the common law of England; [illegible] the question is not so much, whether it be a word as ancient as the common law [illegible] it may be too) for that will be no objection against the using it, if it be a word of a known and certain signification; because that, we think, will jus- [illegible] to your lordships own expression. That it is [illegible] have been quoted, and it is frequently met with [illegible] and by the derivation from 'dico,' an ancient Latin word.—That now it is a known English word, and of a known and certain signification with us, I will quote to your lord- [illegible] Dictionary set forth by our countryman Min- [illegible] as an English word, and says that it signifies to 're- [illegible] mons would have of it: so that I hope your lordships will not find fault with their using a [illegible] objection, That it is not a word known to the [illegible] very few words in our tongue that are of equal antiquity with the common law; your lordships [illegible] the intermixture of other nations; and if we [illegible] in such a dialect would be very difficult to be [illegible] 'abdicated,' is, because in the most common [illegible] voluntary express act of renunciation. That [illegible] the word; and, I think the commons do so use the word in this case, because it hath that signification: but I do not know, whether your lordships mean a voluntary express act or formal deed of renunciation: if you do so I confess I know of none in this case. But, my lords, both in the com- [illegible] of renunciation that are not by deed: for if [illegible] ment and magistracy is under a trust, and any acting contrary to that trust is a renouncing of the trust, though it be not a renouncing by formal deed: for it is a plain declaration, by [illegible] who hath the trust, acting contrary, is a disclaimer of the trust; especially, my lords, if the actings be such as are inconsistent with, and subversive of this trust: for how can a man, in reason or sense, express a greater renunciation of a trust, than by the constant declara- [illegible] in understanding and practice, that I need do [illegible] sistent with the being and end of a thing, or [illegible]

but quite the contrary, that shall be construed [illegible]

The Earl of *Nottingham.* Gentlemen, you of the committee of the commons; we differ from you indeed about the words 'abdicated 'and deserted:' but the main Reason of the change of the word and difference, is upon the account of the consequence drawn in the conclusion of your Vote, that the throne is thereby vacant; that is, what the commons mean by that expression? whether you mean, it is so vacant as to null the Succession in the hereditary line, and so all the heirs to be cut off? [illegible] the crown elective. [illegible] the consequence of the throne being vacant means in the Vote, as you understand it, I believe we shall much [illegible] to settle the difference about the two words.

Mr. Serj. *Maynard.* My lords, when there is a present defect of one to exercise the administration of the government, I conceive, the declaring a vacancy, and provision of a supply for it, can never make the crown elective.—The commons apprehend there is such a defect now; and, by consequence, a present necessity for the supply of the government; and that will be next for your lordships consideration, and theirs afterwards. If the attempting the utter destruction of the subject, and subversion of the constitution, be not as much an abdication, as the attempting of a father to cut his son's throat, I know not what is.—My lords, the constitution, notwithstanding the vacancy, is the same; the laws that are the foundations and rules of that constitution are the same: but if there be, in any particular instance, a breach of that constitution, that will be an abdication, and that abdication will infer a vacancy. It is not that, the commons do say, the crown of England is always and perpetually elective; but it is more necessary that there be a supply where there is a defect, and [illegible] that will be no alteration of the monarchy, from a successive one to an elective.

The Bishop of *Ely.* Gentlemen, the two [illegible] made by the lords to the Vote of the commons, are as to the word 'Abdicated,' [illegible] ab- [illegible] by some overt acts. That gentleman, (I think I may name him without offence) Mr. Somers, very truly did alledge out of Grotius; but, I desire to know, whether Grotius, that great author, in treating on this subject, doth not interpose this caution, If there be a yielding to the times: if there be a going away, with a purpose of seeking to re- [illegible] if there were any thing of force or just fear in the case, that doth void the notion of abdication: I speak not of male- [illegible]

Mr. Serj. *Maynard.* But, my lords, that is [illegible] any part of the case declared by the com-

[illegible] is in this Vote, when the whole kingdom, and the Protestant religion, our laws and liberties, have been [illegible] of being subverted, an enquiry must be made into the authors and instruments of this attempt; and if he, who had the administration intrusted to him, be found the author and actor in it, what can that be, but a renunciation of his trust, and consequently his place thereby vacant?—My lords, Abdication (under favour) is an English word; and, your lordships have told us, the true signification of it is a Renunciation. We have indeed, for your lordships satisfaction, shewn its meaning in foreign authors; it is more than a deserting the government, or leaving it with a purpose of returning. But we are not, I hope, to go to learn English from foreign authors: we can, without their aid, tell the meaning of our own tongue. If two of us make a mutual agreement to help and defend each other in any [illegible] that shall [illegible] us in a journey, and he that is with me turns upon me and breaks my head, he hath, undoubtedly abdicated my assistance and revoked the said agreement.

The Lord Bishop of *Ely*. The objection of the lords against the word 'abdicated,' is, That it is of too large a signification for the case in hand. It seems to be acknowledged, that it reacheth a great way; and therefore the lords would have a word made use of, which (by the [illegible]) signifieth only, The ceasure of the exercise of a right. If there be such a defect as hath been spoken of, it must be supplied; there is no question of that. And I think we have, by another Vote, declared,' That it is inconsistent with our laws, liberties, and religion, to have a papist to rule over this kingdom.' Which I take to be such as to the [illegible] exercise and administration of the government.—It is Grotius's distinction between a right, and the exercise of that right; and, as there is a natural incapacity for the exercise, as sickness, lunacy, infancy, doating old age, or an incurable disease, rendering the party unfit for human society, as leprosy, or the like; so I take it, there is a moral incapacity: and that I conceive to be a full irremoveable persuasion in a false religion, contrary to the doctrine of Christianity. Then there must be a provision, undoubtedly, in [illegible] and an [illegible] government take care for; because become necessary for the support of the government, [illegible] exercise of his government impracticable, and our obedience [illegible] with the constitution of our religion, impossible: but that, I take it, doth not alter that right, nor is an abdication of the right.—Abdication, no doubt, is by adoption an English word; and well known to English men conversant in books: nor is it objected, that it is not a word as ancient, and it [illegible] England; we find it in Cicero, and other old Roman [illegible] to [illegible] observe that there is a double use of the word, sometimes it is mentioned with a preposition, and then it signifies the renouncing an actual exercise of right, as 'abdicare a triumpho;' and sometimes it hath the accusative case following it, and then it signifies the renouncing of the very right, as that which was mentioned, 'abdicare magistratum;' so that the signification (as the lords say in their Reason) is doubtful: and such words, we hope, the commons will not think fit to use in a case of this nature and consequence, as [illegible] declare.—And besides the lords apprehend, that great inconveniencies will follow upon the use of this word, if it mean a renouncing absolutely of the right. It seems the commons do not use the word 'abdicated' from his withdrawing himself out of the kingdom; for then 'deserted' would (no doubt) have answered. That abdication is the same whether a man go out of the kingdom or stay in it; for it is not to be esteemed according to the place, but the power. If a man stays in the kingdom, this is 'abdicare,' with a preposition, to abdicate the exercise of the government, but not the right of governing, according to the constitution; and to such an abdication (if it be so declared) my lords, I believe, may soon agree.—Then, gentlemen, there is another distinction in those authors that write concerning this point, which are chiefly the Civilians; there may be an Abdication that may forfeit the power of a king only; and there may be one that may forfeit both that and the crown too. It is a distinction indeed in other words, but to the same sense: I will tell you presently why I use it. Those Abdications, that are of power only, are incapacity, whether these I call natural and involuntary, as defects of sense, age, or body, or the like; or moral and voluntary, as contrariety in Religion; an instance whereof there was lately in Portugal, which was a forfeiture only of the power, and not of the name and honour of a king; for though the administration was put into the younger brother's hand, the patents and other public instruments ran in the elder brother's name. This is, without all doubt, naturally an Abdication in the full extent of the word; nor do I here (as I said) consider whether that the king be gone out of the kingdom, or stay in it; but only, whether [illegible] the administration [illegible] must be provided for, be he here, or gone away.—But the highest instance of an Abdication is, when a prince is not only unable to execute his power, but acts quite contrary to it; which will not be answered by so bare a word as endeavour. I take these to be all the distinctions of [illegible]. Now if this last instance of an Abdication of both power and right, take place in a successive monarchy, the consequence will be, that there is a forfeiture of the whole right; [illegible] succession [illegible] it, which I believe is not intended by the commons: there is indeed one instance of the use of such an abdication in monarchy, and that is, that of [illegible], and such an abdication there [illegible] and in whom the power is invested of making laws [illegible] hereditary king-doms; for though some of them are, or [illegible] hereditary, [illegible] had no hereditary successions.—[illegible] this Vote, which I would have well considered, for the preservation of the Succession, and that [illegible] we must [illegible] part that was made at [illegible] That king, lords, and commons, in parliament [illegible] And that [illegible] any: then if such a case happens, as an Abdication in a successive kingdom, without doubt, the [illegible] There are indeed many examples, and too many interruptions in the lineal succession of the crown of England: I think, I can instance in seven since the Conquest, wherein the right heir hath been put by: but that doth not follow, that every breach of the first original contract gives us power to [illegible] succession; especially, I think, since the statutes of queen Eliz. and king James 1 that have established the Oath of Allegiance to the king, his heirs, and successors, the law is stronger against such a disposition: I grant that from William 1 to Henry 8 there have been seven interruptions of the legal line of hereditary succession; but, I say, those statutes are made since that time, and the making of new laws being as much a part of the original Compact, as the observing old ones, or [illegible] else, we are obliged to [illegible] laws till altered by the legislative power, which [illegible] without the royal assent, I suppose, we do not pretend to, and those laws being made since the last interruption, we are not to go by any precedent that was made before the making those laws.—So that all that I conceive [illegible] by our Vote, is but a setting aside the person that broke the Contract: and, in a successive kingdom, an 'Abdication can only be a forfeiture as to the person himself.—I hope, and am persuaded [illegible] agree in this, Not to break the line of Succession, so as to make the crown elective. And if it be declared, that this 'Abdication' of king James 2 reaches no farther than himself, and that it is to continue in the right line of Succession, that, I hope, will make all of one mind in [illegible]

The Earl of Clarendon. As I remember, Mr. Somers [illegible] of the word 'abdicated,' did quote Grotius, Calvin's Lexicon, and other [illegible], where the express words make it to be a voluntary [illegible] ever I read or heard of, that is, there either was some [illegible] Deed [illegible] own; and such whereby they have shewn they [illegible] I think [illegible] gentleman, it is very apparent that the [illegible] in this case, hath done nothing of this nature: it is indeed said by that learned and ingenious gentleman Mr. Somers, that it may [illegible] facts, for [illegible] the Vote it has been declared [illegible] Contract; and endeavouring to subvert the constitution of the kingdom. I will not discourse [illegible] out this charge; but I may say this much in general, that this breaking the Original Contract is a language that hath not been long used in this place; nor known in any of our law-books, or public records. It is sprung up, but as taken from some late authors, and those none of the best received; and the very phrase might bear a great debate, if that were now to be spoken to. Mr. Somers did likewise [illegible] the grounds of the Vote; he said, the king is bound by law [illegible] to perform the laws made, and to be made. That is not denied; I would take notice, that his obligation [illegible] tion-Oath; for our law saith, He is as much king before he is crowned, as he is afterwards: and there is a natural allegiance due to him [illegible] upon the descent of the crown [illegible] And though it is a very requisite ceremony, to put him under a farther obligation by the conscience of his oath; yet I think it will not, nor can be de-[illegible] the laws before; and no body will make that Oath to be the Original Contract, as I suppose.—But [illegible] house [illegible] any other than to this king himself, I believe my own opinion would concur to secure us against his return to govern us: but then, why is there such a contention about a word? Doth all this imply more than [illegible] 'Abdication' doth imply a perfect Renunciation, which I cannot see how it is in this case, so as to leave us at liberty to supply as we please, and break the line of succession.—Mr. Serj. Maynard [illegible] government perpetually elective. I would know what he means by perpetually: our breaking through the Line now, by a choice out of the lineal course, is an alteration and a precedent: and [illegible] perpetually elective?—But truly, I think, no act of ours can alter the lineal Succession; for, by all the [illegible] king, our government appears to be hereditary in a right line of descent: and upon any descent, when any one [illegible] is well before [illegible] greatly hopes that you would have offered something in answer to [illegible] Reasons, against that part of the vote which declares 'the Throne to be vacant.'—[illegible] act of the king [illegible] bar or destroy the right of his heir to the crown, which is hereditary, and not elective. [illegible] this matter goes no farther than king James 2 in his own person, how comes [illegible] to be devolved upon the people? For if he only be set aside, then it is apparent, whither the crown is to go, to the person that hath the next right of succession; and consequently there is no vacancy.

The Earl of *Nottingham*. Gentlemen, I would not protract time, which is now so necessary to be husbanded; nor perplex debates about any affair like that which now lies before us: it is not a question barely about words, but [illegible] which we are now debating?—The word 'abdicated,' it is agreed by Mr. Somers, [illegible] art, and he hath told us what its signification is, from those that are skilled in the art to which it belongs: he doth acknowledge that it is no law-word among English lawyers; nor known to the common law: but then, he saith neither is the word, used by the lords, 'deserted.'—I agree to him, that neither the one nor the other are words used in our law; but the inference I would draw [illegible] is this, that we have no words applicable to this case; because we never before had such a case; and we must not draw inferences of law in such a case, that are not deducible from rules well known in our laws.—I will not dispute what the sense of the word 'Abdication' is in the civil law; but that it is a civil law word is agreed to by me; and if it be, for that reason I am against using of it; because I am so much in love with our own laws, that I would use no words in a case that so much c[illegible] legal construction, but what are fetched from thence.—I hope I shall never see our old laws altered; or if they be, God forbid w[illegible] the voluntary agents in such an alteration.—But then we are told the word 'deserted' doth not reach our case; because the signification of the word is but a temporary leaving or forsaking of his power, which he may re-assume; nay, which in some cases there is a duty upon him to return unto. If that were all, Mr. Somers hath given himself an An[illegible] of what he [illegible] h[illegible] If so, we have [illegible] t[illegible] t[illegible] Thus in the kingdom, and will therefore concur with the commons in a[illegible] necessary to pr[illegible] s[illegible] agreed in that [illegible] and if that were the [illegible], we should find words proper [illegible] enough to express our meaning by. But I find neither of these words will, on the one side or on the other, be allowed to signify the [illegible], therefore we should (as I take it) come presently to think of some other that would. But the Reason why my lords did [illegible] upon the alteration of the word 'abdicated' was because they did apprehend, that it being a word not known to our laws, there might be other inferences drawn from it, than they do apprehend our laws will warrant, from the case, as it is stated in the [illegible] Vote, and as they conceive is done in the concluding of the throne's being vacant.—Therefore, I think, it would shorten the present debate, if we did settle that point first; and as we frequently in parliamentary proceedings, postpone this and that paragraph in a Bill, till some others that may be thought fit to be determined first be agreed to; so we should postpone the debate about the word 'abdicate,' till the vacancy of the throne be settled: for if we were sure that the throne were or were not vacant, we should easily light upon what word were proper to be used in this case.—I should therefore propose that we might debate that first; because if there be an English word of known signification in our law, which should signify no more than renouncing for a man's self; and which would [illegible] setting aside the right of others, that word may be used; and [illegible] word [illegible] itself may be [illegible]—Acting against a man's trust (says Mr. Serjeant Holt) is a renunciation of that trust, I agree it is a violation of his trust to act contrary to it; and he is accountable for that violation, to answer what the trust suffers out of his own estate; but I deny it to be presently a renunciation of the trust, and that such a one is no longer a trustee.—I beg his pardon if I differ from him in opinion, whom I acknowledge to have much more learning in his profession, than I can pretend unto; but if the law be as he says, in a private case, then I must beg leave to forbear giving my opinion, in a case of this public nature that is now before us, till I know what such a trust is, and what the law says in such a case.—If indeed you do pretend 'that the Throne is vacant,' and both houses agree to that conclusion, I think it will be no matter what word is used about it: but if we do not agree to that conclusion, I think it will be afterward easy to shew what is the fittest word to be stood upon; or to agree upon some other. I pray therefore (to shorten the debate) that you gentlemen would speak to this point first, and when that is resolved, I hope we shall easily come to an agreement about the other.

Sir *George Treby*. I think, my lords, that we may not consent to begin at the end, and first to [illegible] of the conclusion, before the premises are settled: for the 'Vacancy of the Throne' follows, as an inference drawn from the acts of the king, which are expressed most [illegible] by the word 'Abdication,' and to en-

[illegible] ensue, is beginning at the wrong end; till we [illegible] at all to it: therefore, my lords, I think the [illegible] that is at the word 'abdicated;' and when [illegible] far, when we offer to enquire into the Original Contract, Whether any such thing is known or understood in our law or constitution? or, [illegible] I offer this to your lordships consideration for two Reasons. First, it is a phrase and thing used by the learned Mr. Hooker, in his book of Ecclesiastical Polity, whom I mention as a valuable authority, being one of the best men, [illegible] our nation in his time, and his works are very [illegible] ments. But I have yet a greater authority [illegible] Vote but this word, 'abdicated,' and 'the Va- [illegible] is enough to be said to that: and to go back [illegible] what is now proposed, I think, we are desired to go as much too far forwards, when the 'Vacancy of the Throne' is proposed to be the question to be first disputed before the 'Ab- [illegible] I am, it is very much beyond what the Vote [illegible] of those in the Succession: for that goes farther than the very last part of the Vote; and it is still to lead us yet farther, to say any thing about making the crown elective: for, I [illegible] Reasons, we shall easily make it out, that it is not in this case; neither was there any occasion given by this vote to infer any such thing. [illegible] are, both in order of place in the vote, and of reason in the thing; and, as we have done hitherto, speak to the words 'abdicated and 'deserted,' the words to be disputed about in the first place. Another lord did give one Reason against the using the word 'abdicated,' Because it is a word belongs to the civil law; [illegible] own English common law for that. I entirely concur with that noble lord in that point; but [illegible] is, which should signify, by the stamp the law [illegible] ter in hand.—Then if we must not use our word, because unknown to our common law; neither must we use your lordships for the same [illegible] word to use; and so, indeed, they may well [illegible] to discourse: and there cannot be a greater confusion in any debate, than to state a [illegible] fact we infer from.—My lords, I shall not much [illegible] cerning the sense of the word 'abdicated;' for it seems to be agreed on all hands that it is a Renunciation: Neither will I contend for an 'involuntary Abdication;' because I think it means a 'voluntary Act:' but truly what your [illegible] the word 'express,' I cannot so well understand.—That a king may 'renounce' his kingship, I think, may be made out both in law and fact, as well as any other Renunciation; and that, as far as I can discern by your lordships [illegible] meant of the exercise of a right which may be renounced, without renouncing that right. Whether that be a true distinction or no, is not very material; but if it be, that the very kingship itself (as including a right to govern) may be 'renounced,' and hath been, it will be no difficulty to make out, by instances in all [illegible] elective, but also where it was hereditary and successive'—If a king will 'resign' or 're- [illegible] the 5th.

The Earl of [illegible] express solemn Renunciation.

Sir *George Treby*. My lords, the particular manner of doing it, is, I take it, not matter in debate just now before us, till it be settled whether a king can 'abdicate' at all, or 'renounce' his kingship at all; this then being granted, That a king may renounce, may re- [illegible] Whether this king hath done so or no?—That he may do it, I take it for granted, it being an act of the will: then let us now enquire into the facts, as set out in the Vote, whether this will of his be manifest. For that you have heard it may be discovered several ways; the [illegible] words, it may be by facts: Grotius himself, [illegible] fest the intention of the mind and will, to part with his office, that will amount to an Abdication, or Renouncing.—Now, my lords, I beg [illegible] 2 come here into the assembly of the lords and commons, and expressed himself in writing, or words, to this purpose; 'I was born an heir to the crown of England, which is a govern- [illegible] by king, nobles, and commonalty; and, upon the death of my last predecessor, I am in possession of the throne; and, now I find, I cannot make laws without the consent of the lords [illegible] ment; I cannot suspend laws that have been [illegible] made without the consent of the people: this indeed is the title of kingship I hold by [illegible] to and possession of the crown, on these terms, [illegible] tract I am weary of, I do renounce it, I will not be obliged to observe it; nay, I am under an invincible obligation not to comply with it; I will not execute the laws that have been [illegible] people shall desire, for their security in religion, [illegible] property, which are the two main parts of the kingly office in this nation.' I say, suppose he had so expressed himself, doubtless this had been a plain renouncing of that legal, regular title which came to him by descent: if then he by particular acts, such as are enumerated in the Vote, has declared as much, or more than these words can amount to, then he thereby declared his will to renounce the government: he hath, by these acts mentioned, manifestly declared, that he will not govern according to the laws made; nay, he cannot so do; for he is under a strict obligation, (yea the strictest) and superior to that of the original compact between king and people to act contrary to the laws, or to subvert them. By the law, he is to administer [illegible] according to the tenour of those laws; and the Coronation Oath obligeth him likewise to consent to such laws as the people shall chuse: but, on the contrary, by that unfortunate persuasion (in [illegible] Rome) [illegible] he hath embraced, he [illegible] suspended the laws that defend the established religion, and to treat it, as it has been (as we well know) called, as the 'Northern Heresy;' and, under pain of damnation, to extirpate it: and in order to it, did sap and repeal all the legal fences of it, without consent of parliament. What the endeavours and practices of that kind have been in the last reign, I suppose, we are not now to be told of, or instructed in: and if (it is very plain) this doth amount to a manifest declaration of his will no longer to retain the exercise of his kingly office, [illegible] thus estranged, then in common sense as well as legal acceptations! he has sufficiently [illegible] material, whether it was voluntary or involuntary; but it is sufficient, that his acting declares, *quo animo*, he went away; he no longer [illegible] the contrary, [illegible] his own Coronation-Oath: and then he desires [illegible] these things together, that he will not; nay, [illegible] is persuaded no part of Religion) govern according to law; and thereupon [illegible] it is a manifest declaration of his express renouncing and parting with his kingly office. And therefore I cannot depart from insisting [illegible] express the true meaning of the commons in [illegible] poning this point, till the other, about 'the 'Vacancy of the Throne,' be determined; for this is the very foundation upon which we are to proceed for establishing the superstructure of the [illegible]

[illegible] gentleman that spoke last, says, it is necessary [illegible] Truly, I apprehend, that this word 'abdicated' was part of the conclusion [illegible] mises; the Vote runs thus, That by breaking the Original Contract, having endeavoured to subvert the constitution [illegible] withdrawn [illegible] he has abdicated the government, and the throne is thereby vacant.—I take it to be (as I say) part of the conclusion, the other part being joined by a copulative; therefore that which is but the other part of the conclusion, is not to be inferred from the other part of the premises. But take it to be (as you say,) That the Vacancy of the Throne [illegible] conclusion [illegible] premises, and therefore it is to be considered. I would then beg the favour of you, gentlemen of the house of commons, to answer me one question about this point of Abdication: Whether you mean by Abdication, a renouncing for himself, or for himself and his heirs?—If you mean only Abdication for himself, it will have a different influence upon the debate and resolution of the case, as to the meaning of [illegible] How could the Throne be vacant?—But if it be meant for himself and his heirs, then I apprehend it [illegible] 'That the [illegible]' this Abdication cannot be part of the premises, but must be the same thing with, or part of the conclusion. I will not undertake to dispute, Whether a king of England may, or may not [illegible] I think he can, and I may go so far in agreement [illegible] to yield that he may do it by implicit acts, contrary to the kingly office.—For a king to say, [illegible] king to act wholly contrary to law; and do [illegible] (I think) the same thing.—But then I must say also, That I think there is a difference between [illegible] with what the law [illegible] tion from the law is a kind of breach of the fundamental laws: for I know no law, as laws, but what are fundamental constitutions; as [illegible] are necessary, so far as to support the [illegible] [illegible] or command, were such a breach of the funda- [illegible] then were it in vain to call any of his ministers or officers to account for any such action.—Then the action is the king's, and not theirs; and then adieu to the maxim of a king's not [illegible] [illegible] fectual satisfaction.—I take this matter to be so plain, as to the distinction that I have mentioned, that nothing can be more: and it has been thought so essentially necessary to have it clear and manifest, that those two great instances of Edward 2 and Richard 2 were express solemn renunciations, and those confirmed in parliament by the lords and commons, by the act of deposing them. Therefore I cannot infer from the facts enumerated in the Vote, That this should be an abdication [illegible] cause in this first point it is disputable what is [illegible] the law, it might, I think, do well to consider, what is to be inferred from it: and therefore [illegible] that either both make one conclusion, or else [illegible]

Sir *George Treby.* I beg leave to say some- [illegible] unto: when I called this point of the Vacancy of the Throne a conclusion, I did not mean altogether to exclude abdication from being a [illegible] before; for, indeed it is in the nature of a double conclusion: one, from the particular [illegible] [illegible] the abdication, that thereby the 'Throne is vacant;' by the instanced acts, he hath abdicated the government; and by his abdicating the government, 'the Throne is vacant.' As [illegible] to say, I perceive he does (as he must) agree [illegible] well as words, or writings. But then I would [illegible] God forbid, every violation of the law, or deviation from it, should be reckoned an abdication of the government. I desire to deliver [illegible] surd conceit.—When a king breaks the law in some few particular instances, it may be sufficient to take an account of it from those evil ministers that were instrumental in it, why such a thing was done, which was against the laws? Why such a law was not executed by them, whose duty it was to see it put in execution? You may, in ordinary cases of break- [illegible] [illegible] does not take this to be such a case, or these to be ordinary violations of the law: and there- [illegible] remedy is to be recurred unto; for the king having a limited authority, by which he was [illegible] cutive part of the government, and to observe [illegible] [illegible] him for his consent; when he doth violate, not a particular law, but all the fundamentals; not injure a particular person in Religion, Liberty [illegible] [illegible] therein saith, 'I will no more keep within my [illegible] upon such terms. This title I had by the Original Contract between king and people; I [illegible] myself: that is, such a title, as by which I may act as if there were no such law to circumscribe my authority.'—Where shall any man come to have redress in such a case as this, when the malefactor comes to be party, unto whom all applications for relief and re- [illegible] himself shall be a judge of his own breaches of [illegible] to the Quo Warrantos, which was a plain de- [illegible] foundation of the legislature.—It is because [illegible] [illegible] king's government, and the people's obedience, that we say, he hath abdicated and renounced [illegible] [illegible] medy in the ordinary courts of justice, or the [illegible] [illegible] [illegible] [illegible] nature, but those who have reduced our legal [illegible] a state of confusion, as we are now seeking a [illegible]

[illegible] their Reasons why they altered the word 'abdicated;' because it is a word not known to the common law, and of doubtful signification: [illegible] would please to express their own meaning by it. I believe my lords would be induced to [illegible] [illegible] [illegible] [illegible] ter stands, and to preserve a good correspondence between both houses, in such a juncture [illegible] [illegible] [illegible] to the using of the word 'abdicated;' yet this would prove a greater argument against their agreeing in the other point, about the Vacancy [illegible] [illegible] [illegible]

Then there was a little pause.

[illegible] [illegible]

us to go on to the other Amendment made by the lords to our Vote.

No lord offering to speak, the commons proceeded to the second Amendment.

Mr. *Sucheverel.* My lords; your lordships second Amendment to the commons Vote, (to wit, to leave out the words, 'and that the Throne is thereby vacant,') the house of commons cannot agree with your lordships to that Amendment; and they do conceive they have many and great reasons why they should not do it. But, my lords, they very much wonder how it comes here to be laid upon them (as it seems to be, by one of your lordships Reasons) that they, by using those words of Abdication and Vacancy, signify an intention of making an alteration of the constitution of the government.—I would not misrepresent your lordships words, or misrepresent your meaning: but you are pleased to say, that you cannot agree to such an Abdication or Vacancy, as that the crown should thereby become elective: as if the commons had thoughts of making the kingdom elective, when no such thing was either meant by them, or can be deducted from their words. But, my lords, one Reason why they differ from you is, they think (upon the nature of your proceedings) they are in the right, to insist upon their Vote, as they sent it up to your lordships; and they conceive, as to all the Reasons your lordships have been pleased to give them for your Alterations, not one of them hath so much argument in them, as they might well expect.—The commons Reason for their disagreeing to this Amendment was, because they conceive (that, as they may well infer, from so much of their own Vote, as your lordships have agreed unto, That king James 2 hath 'abdicated' the government; and that the Throne is thereby vacant: so if they should admit your lordships Amendments, that he hath only deserted the government, yet, even thence would follow, 'It is vacant as to king James 2 deserting the government, being, in true construction, deserting the throne.—Now, to this they do desire, that your lordships will consider and see, whether you give any answer to this reason, or rather, whether you do not leave the matter still in the dark; and (in truth) leave the nation in a perpetual state of war.—Your lordships answer to that, that although you have agreed, that the king has deserted the government, and therefore you have made application to the prince of Orange, to take upon him the administration of the government, and thereby provide for the safety and peace of the kingdom; yet there can be no inference drawn from thence, but only that the exercise of the government by king James 2 was ceased: so, as that the lords were, and are willing, to secure the nation against the return of the said king into this kingdom; but not that there was either such an 'abdication' by him, or Vacancy in the Throne, as that the crown thereby became elective; to which they cannot agree. I desire now to know of your lordships, what part of this Reason hath given an answer to what the commons said in their first Reason; that they may very well conclude from their own Vote, as it went up to your lordships, have therein agreed that the Throne is vacant, as to king James 2; deserting the government, and deserting the throne, being in true construction the same. Your lordships have not given any Reason, your lordships come and apply it here, only to a bare giving up the exercise of the government by king James; and pray give me leave to observe, if it were so, we are all at best, then king James 2, who has only left the exercise, continues in the office, and is king still, and then all the acts that we have done in this Convention, are wholly (as we conceive) not justifiable; you are in no place or station to relieve yourselves, or nation, in this exigence; unless you will think of setting up another Regency by your own authority, without his consent; which, I conceive, by the laws of England, you cannot do.—What then follows upon all we have done? We have drawn the nation into a snare, by the steps we have taken; and leave all in such a condition, as we have no power by law, to deliver them out of; nor can we answer for what we have done, unless the king should die, and that would leave the Succession uncertain.—My lords, I only apply myself, to consider the Reasons of your lordships, for insisting upon this second Amendment; because, I conceive, your lordships have therein given no answer to the Reason first given by the commons, why they cannot agree to your lordships Amendment.

Mr. *Pollexfen.* My lords; your own Reasons (under favour) do shew, that your lordships do intend, that the king is still in the government: this, I think, is most apparent out of your own Reasons. For, when you have declared, that the king hath 'deserted' the government, and then say, no inference can be drawn thence, but only that the exercise of the government by king James 2 was ceased; then your lordships do thereby still say, that king James 2 is in the government; for if only the exercise be ceased, the right doth still remain: then I am sure we have no reason to agree with their lordships in that point.—Next, my lords, then we cannot see how this stands, that you would have us to alter our own Vote, and say the exercise of the government by king James is ceased; since you do not say that he deserted the exercise of the government. And if your lordships had any purpose to express your meaning by a public Vote, that only the exercise ceased, surely your lordships would have put in the word 'Exercise' there: but when in your Vote you say the government was 'deserted,' you cannot mean only the exercise of it.—And that is the first Reason that the commons give your lordships, why we cannot by any means agree to your lordships Amendment, because Throne and Government are in true construction the same; but the Exercise of the Government is what you express, and the Government itself in your

Reason conclude right) are not the same: and we are to reason from the words expressed in [illegible] government, with the rest of the particulars [illegible] ginal Contract, violating the fundamental laws, [illegible] only, but a destruction of the government [illegible] vernment is in construction and consideration of law all one and the same: and, I think, [illegible] can say there is any distinction between government and the exercise of the government; [illegible] kingship; for the power and the exercise of the power are so joined that they cannot be severed. And the terms themselves (taking [illegible] argue from in this case, teacheth them) are so [illegible] without consisting together: if a man grant to another the government of such a place, this [illegible] So that wherever a government is granted, the [illegible] cluded, and therefore the supposed distinction [illegible] tionally considered; but it is a notion alto[illegible] James 2 is ceased, which is as far as you can go in this point, the commons can by no means agree to this Reason; for by the words so used [illegible] mean the kingship continueth still in him, and [illegible] ment, as to take from him the government; then it may do well for your lordships to con[illegible] cannot admit, that there should be a taking [illegible] the kingship [illegible] the taking away the [illegible] kingdom; for if it be his right to be king still, God forbid but that he should enjoy it, and be [illegible] from the very words of your Vote,) That it would infer such a vacancy in the throne, as [illegible]; this, we conceive, is a conclusion, that hath no premises either from our actions, or our sayings, or our votes, or any thing else in this case; nay, it is quite varying from all the premises. But, when such a conclusion can be shewn to follow from them, then it will be time [illegible] my lords, this is that we do insist upon; that [illegible] agreed on both hands) due to him, we cannot in justice agree to keep him from it. And if it be not his due right, but by these acts, his subversion of the constitution, his breaking the [illegible] ceive it is); then, I think, we may lawfully go [illegible] nation.—But the right to be still in him, to have a regency upon him without his own [illegible] a strange and unpracticable thing, and would be introductive of a new principle of govern[illegible]. It would be setting up a Commonwealth instead of our ancient regulated government, by a limited monarchy; then, I am sure, we should be justly blamed: and [illegible] reasons that have as yet been [illegible]

The Earl of *Clarendon*. As to what Mr. Pollexfen hath offered, I desire to observe a [illegible] Reason [illegible] there, That [illegible] to your lordships, that as to any other person besides king James, the throne is also vacant: doth not this shew, that the meaning of the vacancy is a vacancy throughout, as well as with respect to king James? I ask your pardon if I do not declare my own opinion about the vacancy as to him; but all that I mention [illegible] how far the vacancy is to extend. You said [illegible] government, [illegible] How is it vacant? Is it only as to king James, or is it as to him and all or any of his posterity, or any of those that are in the remainder in the royal line in succession? If it be as to them too, then it must necessarily follow, that the kingdom must thereby become elective still, or the government be changed into a Commonwealth; [illegible], we [illegible] the commons [illegible] [illegible] that made me ask before, what a grave and learned gentleman [illegible] he said it should not be per-[illegible]

Mr. Serj. *Maynard.* I am sure, if we be left without a government, as we find we are, (why else have we desired the Prince to take upon [illegible] state we must [illegible] be perpetually under anarchy: the word 'elective' is none of the Commons' word; neither is the [illegible] they had in their thoughts or intentions: all they [illegible] matter, is to provide a [illegible] for this defect in the government brought upon [illegible] king's [illegible] And I do say again, this provision must be made; and if it be, that would not make the kingdom perpetually elective. I stand not upon any word, but am for the thing, that a provision be made to supply the defect.

Mr [illegible] Do your lordships agree, [illegible] vacant as to king James II? [illegible] any body else, and will name whom it is full of, it will then be time for the commons to tell what to say to it. If your lordships [illegible] please to show [illegible] an Answer.

The Earl of *Clarendon.* Your own words in your second Reason are, That you need not prove to us, that as to any other person the [illegible] vacant [illegible] then how should we name who it is full of? Admit for discourse sake, but we do not grant it, for my part I do not; I say, taking it to be vacant as to king James 2, then you ask us, who it should be supplied by? Must it not be supplied by those [illegible] have come if he were dead?—For, I pray consider, I take this government by all our laws to be an hereditary monarchy, and is [illegible] successively [illegible] line; if then you say this government is vacant, [illegible] those that should take the succession, and that will make the kingdom elective for that time. You say, the throne is vacant; then I may very well [illegible], who [illegible] the right of filling up that vacancy? We say, there is no vacancy; if there is, pray is there any body that hath the right of filling it up?

Mr. Serj. *Maynard.* That is not the question before us, yet that will come properly in [illegible] Vacancy. —The noble lord says, It is by our law an hereditary monarchy. I grant it; but though [illegible] an [illegible] to [illegible] heirs, yet as [illegible] law as certain as any other, [illegible] course; for no man can pretend to be king James's heir while he is living: 'Nemo est hæres viventis.'

The Earl of *Pembroke.* To that point I [illegible] answer. That [illegible] go to [illegible] next in the line that were to take it, if the king were dead? For as we should be understood, [illegible] make it a ques-[illegible] of the course of our kings, as it has [illegible] it is, the king [illegible] or [illegible] of the [illegible] the next [illegible] descent.—You [illegible] gentlemen, ask us who the throne is full of? I think [illegible] we are to take the lineal succession, though we do not, or cannot positively name the particular person; and therefore we may well conclude there is no vacancy.—Suppose I should be told, such a gentleman is in such a room, and there I find him and another man with him; and I come out and tell you so, and ask which is he; you may be doubtful which of the two is the man, but sure the one of them is he: but because you cannot tell which it is, shall I conclude no such one is there? If there be a doubtful title (that is, dubious in whom the title resides, but a certain title as to some one) and I cannot directly name him that hath the immediate right, yet it is sufficient to prevent this vacancy, that there is an heir or successor, let him be whom he will.

Mr. Serj. *Maynard.* But your lordship will neither agree it is vacant, nor tell us how it is full. King James is gone, we hear or know of no other; what shall the nation do in this uncertainty? When will you tell us who is king, if king James be not? Shall we everlastingly be in this doubtful condition?

The Earl of *Pembroke.* Sure, Mr. Serj. Maynard, you will agree there is one, and no more than one, to whom a right does belong of succeeding, upon failure of king Jams. Has he [illegible] known?

Mr. Serj. *Maynard.* I say, no man can be his heir while he lives. If he has any, it is in nubibus, [illegible] and what shall we do till he be dead? It cannot descend till then.

The Earl of *Pembroke.* You agree that notwithstanding king Charles II. was abroad at his father's death, and did not actually exercise the government; yet in law, immediately upon his father's decease, he was not the less heir for that; nor was the throne vacant.

Mr. Serj. *Maynard.* That is not like this case, because the descent was legally immediate; but there can be no such thing during king James's life, as an hereditary descent [illegible] here must be [illegible] war entailed upon us, his title continuing, and [illegible] his return to the exercise of the government, [illegible] we [illegible] government for want of a legal descent and succession.—Pray, [illegible] tion of the nation till there be a government; no law can be executed, no debts can be compelled to be paid, no offences can be punished, no one can tell what to do to obtain his right, or defend himself from wrong.—You still say, the throne is not void, and yet you will not tell us who fills it. If once you will agree, that the throne is vacant, it will then come orderly in debate, how it should, according to our law, be filled.

The Earl of *Nottingham.* The objection

(as I take it) that is made to these Reasons the [illegible] Vacancy [illegible]

[illegible]

The Earl of *Nottingham.* Gentlemen, I intend to state the objection so: That first Reason of yours I take to be this in effect, that our word 'deserted' being applied to the government, implies our agreeing that the king hath deserted the throne, those two being in true construction the same; and then, by our own confession, the throne is vacant as to him.—To this you say, my lords have given no answer: truly, I think it is a clear answer, that the word 'deserted' may have another sense, and doth not necessarily imply renouncing entirely of a right, but a ceasing of the exercise. But [illegible] him, the other Reason comes to be considered, how came you to desire the Prince of Orange [illegible] to write his Letters circularly for this meeting? [illegible] Prince, and to appoint a Day of public Thanksgiving?—In answer to that, my lords say, that though the king's deserting the government (as they [illegible] to be vacant, yet they might justly do all those acts mentioned in the commons Reasons; because, [illegible] government were 'deserted,' there must be a supply of that exercise [illegible] tion; and as none so fit, because of the Prince's [illegible] to address unto about it, so none so proper to make that Address as the lords: for in the absence [illegible] dom's Great Council, and might have done it [illegible] being met in a full representative body, they [illegible] said, There is no distinction in law between [illegible] it is the same crime, in consideration of law, [illegible] kingship.—I shall not dispute with that learned gentleman (whom I very much honour for his [illegible] offence either of them would be now; for we are not discoursing concerning a Regency, how [illegible] are barely upon the question, whether the [illegible] king? But if we should grant a vacancy, as to [illegible] succession cannot take, because no one can be heir to one that is alive. Yet, I think, the [illegible] one, That though the king be not dead naturally [illegible] tary succession; and I know not any distinction between successors in the case of a natural death, and those in the case of a civil one.—For I would know if the next heir should be [illegible] elective kingdom, by taking from it the right heir.—If it be not so, then I would ask, whether [illegible] only during king James's life; that, I suppose, for many reasons is not your meaning; but, at [illegible] life; and then if there be a distinction made [illegible] civil death, if king James should die during the [illegible] hereditary monarchy? Where must the succession come in, when the next heir to king James [illegible] the present succession [illegible] whether this will not make the kingdom elective? For if you do once make it elective, I do not say that you are always [illegible] but it is enough to [illegible] precedent, there be a breach in the hereditary succession; for I will be bold to say, you cannot make a stronger tie to observe this kind of succession, that what lieth upon you to preserve it in this case.—If you are under an obligation to it, it is part of the constitution. I desire any one to tell me what stronger obligation there can be? and that, I say, is reason enough for my lords to disagree to it, it bringing in the danger of a breach upon the constitution.—Next, gentlemen, I would know of you, if the throne be vacant, whether we be obliged to fill it? If we be, we must fill it either by our old laws, or by the humour of those that are to chuse; if we fill it by our own old laws, they declare, that it is an hereditary kingdom, and we are to take the next to whom the succession would belong, and then there would be no need of standing upon a vacancy.—If we are to fill it according to the [illegible] of those that are to make the choice, that diverts the course of inheritance, and puts it into another line: and I cannot see by what authority we can do that, or change our ancient constitution, without committing the same fault we have laid upon the king. These are the Objections against the Vacancy of the Throne, which occur to me; and we, gentlemen, desire a satisfaction to them before we agree to the Vacancy.—And, I think, the answering them will lead us unto that which I take to be the main point in question, whether the Vacancy of the Throne, and filling it again, will not, as my [illegible] the hereditary [illegible] elective?

Mr. Serjeant [illegible]. My lords, it seems very strange to us, that this question should be asked us, when we come to see, that your lordships Reasons for leaving out this part of our Vote are [illegible], neither in answer to the Reasons we gave for our not agreeing to your lordships Amendments: and it is much stranger that we [illegible] asked, whether this Vacancy extends to the heirs, when you will not tell us, whether [illegible] as to king James himself?—You put it upon us to say, the execution or exercise of the government is ceased; but you will not say the throne is vacant, so much as [illegible] And if it be not, what have we to do, [illegible] any consequence, whether it will infer an election or not?—We desire of your lordships that which we think is very proper, first, to know whether the throne be vacant at all? If it be, then our proposition in the conclusion of our vote is true, 'That the Throne is thereby vacant.'—My lords, I think we come here very much in vain till this point be settled; what satisfaction can it be to your lordships, or us, or the nation, to know that such things as are mentioned in the Vote, that have been done by king James, and that he [illegible] ceased [illegible] the government, if he still retain a right to it; and your lordships will not declare he hath no right, but amuse the kingdom with the doubtful words of the exercise (as to him) ceasing. If that be all you say, that need the question be asked, how far it is vacant, for it should seem it is not vacant at all.

The Earl of *Nottingham.* Will you please to suppose it vacant as to king James, that is, that he hath no Right? Then let us go on to the next step.

Mr. *Sacheverel.* That, my lords, we cannot do, for all our business is to maintain our own, 'that the Throne is vacant.'

Mr. *Somers.* My lords, your lordships, as a Reason against the word 'abdicate,' say it is not a word known in our common law. But the word 'vacant,' about which we are now dis[illegible] that [illegible] made to it, for we find it in our Records, and even applied in a parallel case to this of ours, in 1 Hen. 4 where it is expressly made use of more than once, and there it doth import what I think it [illegible] Vote [illegible] of Commons, now in debate; and to require any farther or other explication of it than the Record gives, will be very hard and unreasonable; for we are here to [illegible] Reasons for [illegible] in that case, there was first a Resignation of the crown and government made and subscribed by [illegible] and there they [illegible] that the 'Sedes Regalis' (those are the words) 'fuit vacua;' and the Resignation being read both in [illegible] Wes[illegible] Commons.—After that, it proceeds farther; and [illegible] of [illegible] the words in the record; 'Et confessum ut constabat ex præmissis & eorum occasione regnum [illegible] Then Henry 4 riseth up out of his place as duke of Lancaster, where he sat [illegible] that he might be [illegible] makes this claim to the crown: the words in the Record are, 'Dictum regnum Angliæ sicut præmittitur vacans una cum corona vendicat.'—After that, the Record goeth on, That upon this Claim [illegible], what they thought of it? they unanimously consented, and the archbishop [illegible] Henry by the hand, and led him 'ad sedem regalem prædic[illegible]' &c. Nay, after [illegible] taken notice of, and particularly observed, that 'prius vacante [illegible] depos-tion aforesaid, all the public officers ceased; there is care taken for Henry 4's taking the Royal Oath, and granting of new commissions. [illegible] that [illegible] the throne [illegible] be vacant. But as to the going farther to enquire into the consequences of that, or what is to be done afterwards, is not our commission, who came here only to maintain their expressions in their Vote against your lordships amendments.

The Earl of *Rochester.* In a free Conference [illegible] freely and fully to be debated; and my lords, in order to [illegible] gentlemen, that are managers for the house of commons, it seems, come with a limited commission, and will not enter into that consideration which (as our Reasons express) hath a great weight with my lords, whether this Vote of the [illegible] make the monarchy of England, which has always [illegible] hereditary, to be elective? That the Vacancy of the Throne will infer such a consequence, to me appears very plain: and I take it from the argument that last gentleman used for the word 'vacant,' out of the record of Rd. 2's time, that is cited for a precedent [illegible] consequence; for it being there declared, that [illegible] follow an election of Henry 4th, who was not next in the right line; did not then this hereditary monarchy in this instance become elective? When king Charles 2 died, I would fain know, whether in our law the throne was 'vacant?' No sure, the next heir was immediately in the throne. And so it is in all here[illegible] Poland when the king dies there is a vacancy, because there the law knows no certain successor: so that the difference is plain, that [illegible] the ceasing of him in possession, the throne is not vacant; where it is elective, it is vacant.

The Earl of *Clarendon.* I would speak one

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* See vol. 1, p. [illegible]

the mean time we are without a government; [illegible] our constitution, while we are without a safe [illegible] cording to that constitution; and in a little [illegible] very great hardships to conflict with in such a [illegible] all do know the monarchy is hereditary; but [illegible] cessor in the right line?—You think it will be a difficult thing to go upon the examination [illegible] to resolve in this case, than it might be in ano[illegible] 'abdications' and 'vacancies,' it has been where the king has been of the same Religion of the established worship of the nation; and amongst [illegible] or it may be there hath been a child in the [illegible] to be done. I confess, I say, there are diffi[illegible] would have spoke out before now: and if you had been clear in it yourselves, you would [illegible] known it. But it not being clear, must we [illegible] will, 'fill up, nominate,' or 'elect,' it is the thing we are to take care of, and it is high [illegible] intention or a likelihood of altering the course [illegible] reditary succession; the main constitution hath [illegible] is not like that of elections in other countries, and I am sorry there should be any occasion [illegible] we cannot extricate ourselves out of, by fixing [illegible] hope, will give us leave to remember 'salus [illegible] purpose; for after we have voted ourselves to be without a government, (which looks as if something were really intended as to a Settle[illegible] make a precedent of Election, or take upon [illegible] and cut off some that might have a lineal right? Have you not concurred with us in our Vote, [illegible] Protestant heir at all to be found, would not [illegible] rdships Vote is inconsistent; you do suppose [illegible] may happen; and if that should happen to be [illegible] else we must submit to that which were inconsistent with our Religion and our Laws?—If your lordships then, in such a case, must break through the Succession, I think the nation has [illegible] the present defect, where the Succession is un[illegible] used, and justly, to boast of living under the best of governments, must be left without any one; for, your lordships, it seems, cannot agree with us to supply and fill up this gap in it, or tell us who is the Successor: and we must not do it ourselves by election; which is the only way left us to provide for our set[illegible] out of this distraction. But then, at whose door that will lie, I must leave to your lord[illegible]

The Earl of *Pembroke*. We have indeed passed such a Vote, as that gentleman says, against a Popish prince's reigning over us; but I should think that amounts to no more than a resolution, that by a law to be made we will take care of it in parliament: therefore I think that which we aim at, and that [illegible] require, is, to put things in a legal method: and, in order to it, I would have the legal [illegible] made by a king de facto, is void as to a king [illegible]

[illegible]

Successor claim it for his posterity? Truly, I [illegible] absolutely; which, I think, by all the law I [illegible]

Sir *R. Temple.* I think we are now going too far in this matter; the question before us is only, Whether there be a vacancy in the throne? After we have done with that, I do [illegible] tion of any claim to the succession.—Your lord- [illegible] clared the throne vacant, I must presume to say, I do not see how it is possible for any of [illegible] them: I conceive we are in the same capacity as our predecessors were, to provide for all ex- [illegible] the acts of queen Elizabeth and king James i. [illegible] Leets, and that by the ancient law of Eng- [illegible] years of age; and this was as much obliging [illegible] of those later Oaths are; for they seem only to be made to exclude foreign authorities, and not to infer any new obedience or subjection therefore I am only saying, we are in as natural a capacity as any of our predecessors were, to provide for a remedy in such exigencies as this.—I do not intend to trouble your lordships any farther than the words of the Vote lead me. If the throne were full, what do we here; nay, how came we hither? I [illegible] being committed to the prince, and those other [illegible] such a case as wherein the Throne is vacant? otherwise, if it had been full, I appeal to any [illegible] thority, than his that filled it? Then do not all these things declare, that there is a vacancy?—My lords, I have done, having said this, that it is a subsequent consideration, how [illegible] lars that relate to it remain entire, after this resolution taken.—But, I think, we are at pre- [illegible] there is a just ground for any apprehension of an intention to change the government; I am [illegible] sion: so that we have all the reason in the [illegible] a settlement.

Sir *Thomas Lee.* My lords; so much has [illegible] Had it been in the common, ordinary case of a vacancy by the king's death, your lordships [illegible] as much: but it is plain you were sensible we were without a government, by your desiring the prince to take the administration, and to issue out his letters for this convention.—But, my lords, I would ask this question, Whether [illegible] itself in such exigencies?—That contract was [illegible] which a noble lord in the beginning spoke of; so we take it to be: and it is true, that it is a [illegible] made; but yet so as not to exclude this original constitution in all governments that commence by compact, that there should be a [illegible] times, and upon all occasions, for extraordinary cases and necessities, such as ours now is.— [illegible] sion; our government has been always taken [illegible] than in the direct line.—But our matter is singly upon a point of fact, Whether the throne [illegible] vacancy is nearest that of Richard ii. of any that we meet with in our records; and the [illegible] arise in a proper way. But this is all we can [illegible]

Sir *George Treby.* To discourse, whether [illegible] and, I think, your lordships have given no reasons that are sufficient to make the objection [illegible] meaning. The question is only here, Whether we can make good this Proposition, 'That the [illegible] king?—I confess, it is a melancholy thing to [illegible] hinging all the monarchy; by a breach upon the direct line of the Succession; as, if the [illegible]

[illegible] it upon another head.—A noble lord put an instance of two men in one room, one of whom was really such a one: but though a stander-by could not directly tell which was he, [illegible] one was not there. But, if you please, I will put this case:—Suppose there were two men in one room, that no one alive could tell which was which; as suppose this to be the case of [illegible] had been kept close prisoners by their uncle [illegible] eldest of the two, that would occasion a [illegible] them? And could any thing else do but an election? But, I say, the proper single question here is, Whether we have well affirmed upon the premises that are mentioned in the former part of the vote, that he has abdicated, and that the throne is thereby vacant.—Your lordships in part agree; for you say, 'he has deserted the government;' then you say, 'he is not in it.' And it is as much as to say, he has left the kingdom destitute of a government?—[illegible] position is true, will you deny the whole proposition, because it may be taken in a sense that [illegible] quences? You cannot say the throne is full: if then there be a doubt with you, to be sure it [illegible] are the persons that usually are, or ought to be present at the delivery of our queens, and the [illegible] if then your lordships had known who was on [illegible] name from you, and that had been the best reason against the vacancy that could have been given.—My lords, we say no more than our ancestors have said before us, as you see by the Parliament-Roll, 1 Hen. 4, and I must maintain the record to this purpose, that [illegible] clared, as it is expressed in our vote: so that we have not invented or coined a word for our turn, neither is the notion new, it is a word that has been used before in a case as near this as any can be. But it is objected, That that [illegible] lowed upon that vacancy of the throne. I [illegible] as descended from Hen. 3, and the lords [illegible] 'Whether they did chuse him for their king?' They agreed to it, and the archbishop makes a [illegible] placed on the throne. And thus I take to be a [illegible] very well known, and readily agreed by us, that Edw. 4 came in, in disaffirmance of the title of the house of Lancaster.—As those [illegible] us, so we have the last; for I need go no farther [illegible]

The act for deposing Richard 2 is indeed by 1 Edw. 4 repealed, and saith, that Henry 4 usurped the crown, and murdered Richard 2; and thereupon it proceeds to attaint Henry 6. But then comes in Henry 7; and 1 Henry 7 [illegible] acts and attainders made against his line, and consequently repealed 1 Edw. 4 which repealed 1 Hen. 4.—And I would observe one thing, by the way, concerning Henry 7. He [illegible] his crown reckoned only matrimonial, or suffer [illegible] to the title of the right line of succession; no, [illegible] storing the Record of 1 Henry 4 again, is as [illegible] which is unrepealed to this day. Henry 7 had a good right and title by marriage to the crown, 'in re uxoris.' No one can question [illegible] was an usurpation; and he would not suffer [illegible] above three in any direct line, without some interruption: and therefore we are not to fetch [illegible] And this I speak for the reason which was [illegible] part of the Original Contract; and by the [illegible] giance and supremacy, we are tied up to keep in the hereditary line, being sworn to be true [illegible] ors; whereas the old oath was, only to bear true allegiance to the king. There (I take it) [illegible]

[illegible]

Sir *George Treby*. Your lordship is pleased [illegible] person. I think it is pretty hard to determine [illegible] or so much as a name in the administration. [illegible] kings, and in the right line, I doubt we should want the greatest part of those laws that com- [illegible] which an oath was required) against both her and her sister.

I [illegible] times had, and were of, in this point, there is a [illegible] which declares it to be a præmunire to affirm, the parliament cannot settle the succession of the crown, or alter it. Entails in parliament [illegible] quent act has prevailed against such an entail: so that it should be done, I say, in parliament.

Sir *Rd. Temple*. I think we are in as full a [illegible] and if we do as they have done before us, that is not to be called a changing of the monarchy [illegible]

The Earl of *Nottingham*. After this long [illegible]: we have proposed [illegible] to be satisfied: you, gentlemen, have not been [illegible] part you have declared, that you do acknowledge the monarchy is hereditary and successive in the right line; then I cannot see [illegible] reasons you give for your vacancy; for I cannot imagine how a kingdom can be an heredi- [illegible] law, a great deal better provided for, and runs [illegible] the case of Hen. 7th. Then cannot I ap- [illegible] nor thought so; but, I say, no act of the fa- [illegible] line of succession. This is declared by many [illegible] larly by that statute 25th Henry 8. cap. 22. entitled, 'An Act concerning the King's Suc- [illegible] limited to the king's issue male first, then fe- [illegible] their ages, as the crown of England hath been [illegible] long as there are any such issue; for no act of [illegible] divesting his own right, I desire you would de- [illegible] it is not vacant. And I told you, one reason [illegible] vote might extend a great deal farther than the king's own person.—But your all owning it to be a lineal inheritance, and this vacancy, me- [illegible] its ancient course: so I did hear a worthy gen- [illegible] case by us? I desire to be satisfied in a few things about this very matter.—I desire first to know, whether the lords and commons have [illegible] law? and then I desire to know, whether, according to our ancient legal constitution, every [illegible] king, to him and his heirs? And without an act [illegible] consistent with our religion and laws, to have a Popish prince to rule over us. But I would [illegible] that the crown of Spain is legally and actually excluded from the succession by this vote? No man sure will undertake to tell me, that a vote [illegible] because I am very desirous that this vote should have its effect. I desire that every thing of this [illegible] endeavour to crush, break forth into a viper? —For the Record of 1 Henry 4. I acknow- [illegible] come up to what I would have the declared [illegible] Second, but not so vacant but the claim of the [illegible] Our laws know no inter-regnum; but upon [illegible] king 'in uno & eodem instante.'—It was so [illegible] for at his grandfather's death it was a question, [illegible] And when Richard 3. usurped his crown, to [illegible] he bastardized his own nephews.—And so it [illegible] title to it. That which I would have avoided [illegible] that I fear will ensue upon this vacancy of the [illegible] whole constitution of our government. For if [illegible] mons? For they are knit together in their common head; and if one part of the govern- [illegible] vacant; and that if it reach to the king and [illegible]

[illegible] affect the constitution; for I presume to say, [illegible] say we shall have no king at all.—I was [illegible] of what I said the lords might do of themselves, in the absence of the king: I would [illegible] be devolved upon the lords; but I may say [illegible] greater sway by the privilege of their birth, in the exigencies of the state: as appears in se- [illegible] a case put by one gentleman, about the two sons of Edward 4. being kept prisoners so long, till it could not be known by any living witnesses which was the eldest: I would only ask [illegible] would not infer a necessity that the throne [illegible] signify less than they do really import.—I do not find that you purpose to make the kingdom elective; and yet you talk of supplying [illegible] himself and his heirs; and yet your words [illegible] be a happier accommodation than can be expected while things remain thus, still in doubt, and in the dark.—Gentlemen, if any of you can settle this matter in its true light, it would do very well; and it is you must do it; for [illegible] only that the king has left the government, and [illegible] agree upon some settlement.—I must confess any government is better than none; but I [illegible] stitution.—Therefore I again renew my re- [illegible] nation, as may breed an union between the [illegible] in a capacity of electing, but 'pro hac vice,' [illegible] would be greater than what it was before; but then the great debate in it would only be, who should first have the honour of laying the [illegible] laws, and fundamental constitution, I humbly [illegible]

[illegible] agree with our laws and constitution: for [illegible] there may fall out a case wherein that cannot be complied with, and a plain vacancy may en- [illegible] And I think that case comes nearest to the case in question, where the successor is not known; [illegible] lords and commons, but that there is no king? [illegible] kingdom, are the only remaining apparent [illegible] ply the defect by providing a successor. And, [illegible] without a king, I am sure I do not know of any that we have: If that fall out to be the case now, that will infer a vacancy with a witness, and it will be of necessity that the lords [illegible]

Mr. *G. Eyre.* My lords, we are led, and I think, out of the way, into a very large field, hunting after the consequences of a vote not yet settled or agreed unto: we have, as I conceive, nothing but the vote itself to consider of, [illegible] any legal right: but what the consequences of [illegible] has a right to the succession, or a dissolution of the government in the constitution; nei- [illegible] in a Record, and that was mistaken as a pre- [illegible] only mentioned by him to show, that by using the word 'vacant,' the commons did no more than our ancestors did before us; and there- [illegible] have the throne 'vacant.' We do apprehend we have made a right and apt conclusion from the premises, for otherwise all the Vote is but [illegible]

[illegible] occasion was there for such a Declaration as this, if nothing were concluded from it? That were only to give the kingdom a compendious [illegible] so natural as this; that we are left without a [illegible] sent our province.

[illegible]

Feb. 7. A Message was sent from the lords to [illegible] Edw. Nevil, viz.

"Mr. Speaker; the lords have commanded [illegible] (touching which there was a free conference [illegible] attended with the mace, and the house of commons following him in a body, went in their coaches to Whitehall: where the right hon. [illegible] quetting-House; and the right hon. Henry [illegible] door of the said Banqueting-House; waited [illegible] Orange: who, immediately after, entering in [illegible] canopy of state: where being placed, the [illegible] black-rod, making three obeisances, one at the [illegible] be read; which being granted by their High- [illegible] followeth:

[illegible] the Laws and Liberties of this kingdom: By assuming and exercising a Power of dispensing [illegible]

[illegible] parliament: By [illegible] ing and causing to be executed, a Commission under the Great Seal, for erecting a Court called, 'The Court of Commissioners for Ecclesiastical Causes:' By levying Money for [illegible] ner, than the same was granted by parliament: By raising and keeping a Standing-Army [illegible] consent of parliament; and quartering Soldiers contrary to law: by causing divers good [illegible] and employed contrary to law: By violating the Freedom of Election of Members to serve in Parliament: By prosecutions in the Court [illegible] ble only in parliament; and by divers other [illegible] late years, partial, corrupt, and unqualified persons, have been returned and served on Juries in Trials, and particularly divers Juries [illegible] freeholders: and excessive Bail hath been re- [illegible] Liberty of the Subjects: and excessive Fines have been imposed; and illegal and cruel Punishments inflicted: and several Grants and Promises made of Fines and Forfeitures, before any Conviction or Judgment against the persons upon whom the same were to be levied: [illegible] this realm.—And whereas the said late king James 2, having abdicated the Government, and the Throne being thereby vacant, his [illegible] instrument of delivering this kingdom from [illegible] Advice of the lords spiritual and temporal, [illegible] versities, boroughs, and cinque-ports, for the [illegible] be in danger of being subverted: Upon [illegible] cordingly made; and thereupon the lords spi- [illegible] assembled in a full and free Representative of [illegible] ancestors in [illegible]

[illegible] of Laws, by regal authority, without consent of parliament, is illegal: That the pretended Power of dispensing with Laws, or the Execu- [illegible] of the like nature, are illegal and pernicious: That Levying of Money, for or to the use of the crown, by pretence of Prerogative, [illegible] shall be granted, is illegal: That it is the Right [illegible] tioning, are illegal: That the raising or keeping a Standing-Army within the kingdom in time of peace, unless it be with consent of parliament, is against law: That the subjects, which [illegible] Defence suitable to their condition, and as allowed by law: That Elections of Members of Parliament ought to be free: That the Freedom of Speech, and Debates, or proceedings in Parliament, ought not to be impeached or questioned in any court or place out of Parliament: That Excessive Bail ought not to be required, nor Excessive Fines imposed, nor cruel and unusual Punishments inflicted: That Jurors [illegible] and Jurors, which pass upon men in Trials of High-Treason, ought to be Free-Holders: That [illegible] tures of particular persons, before Conviction, are illegal and void: And that for Redress of [illegible] ought to be held frequently. And they do [illegible] Rights and Liberties; and no Declarations, [illegible] Demand of their Rights they are particularly [illegible] for obtaining a full Redress and Remedy [illegible] n, and will still preserve them from the Vio- [illegible] their Religion, Rights and Liberties; the said lords spiritual and temporal, and commons, assembled at Westminster, do resolve, That [illegible] Orange, be, and be declared King and Queen [illegible] minions thereunto belonging, to hold the [illegible]

[illegible] Survivor of them; and that the sole and full [illegible] their joint lives; and after their deceases the [illegible] body of the said Princess; and for default of [illegible] and the heirs of her body; and for default of [illegible] same accordingly: And that the Oaths here- [illegible] and that the said Oaths of Allegiance and Supremacy be abrogated: "I A. B. do sincerely 'promise and swear, That I will be faithful, 'and bear true allegiance to their majesties, [illegible] 'God.' 'I A. B. do swear, That I do from 'my heart abhor, detest and abjure, as impious [illegible] 'sition, That Princes excommunicated or de- 'prived by the Pope, or any authority of the 'See of Rome, may be deposed or murdered by 'their subjects, or any other whatsoever. And 'I do declare, That no foreign prince, person, 'prelate, state or potentate, hath, or ought to 'have, any jurisdiction, power, superiority, 'pre-eminence, or authority, ecclesiastical or 'spiritual, within this realm. So help me 'God."

[illegible] public reading of this Declaration, the marquis [illegible] a solemn tender of the Crown to their high- [illegible] sentative of the nation; whereupon the Prince of Orange returned the following Answer:

"My lords and gentlemen; This is certainly the greatest proof of the trust you have in us, that can be given; which is the thing which makes us value it the more; and we thankfully [illegible] had no other intention in coming hither, than [illegible] so you may be sure, that I shall endeavour to [illegible] dom; and to do all that is in my power to [illegible]

[illegible] present, about 11 of the clock in the afternoon, [illegible] officers of arms, and other persons, usually [illegible] received a Proclamation for proclaiming the [illegible] Queen, [illegible] proceeded in this manner: first, the head-bai- [illegible] Knight-marshal, and his men: then a class of [illegible] other; each accompanied by a serjeant at arms: then Garter king of arms, with the Pro- [illegible] arms and mace, in his coach: then Mr. Speaker [illegible] by a serjeant at arms, and two trumpets, [illegible] quiring of the occasion; and being informed thereof, ordered the gates to be opened: and [illegible] back again from thence: and the lord mayor, [illegible] with the sheriffs, receiving them in their formalities; a second Proclamation was made, [illegible] coach; and the aldermen, sheriffs, and re- [illegible] and commons; they proceeded to the middle of Cheapside; and there made a third Proclamation; and from thence to the Royal Exchange, where a fourth Proclamation was made in the like manner; a lane being made all the way between Temple-Bar and the Exchange. [illegible] loweth:

"Whereas it hath pleased Almighty God in [illegible] us a miraculous Deliverance from Popery and Arbitrary Power; and that our preservation is due, next under God, to the resolution and conduct of his highness the Prince of Orange, [illegible] us and our posterity: and being highly sensible, [illegible] doubt, bring a blessing along with her upon this [illegible] accepted the same accordingly: We therefore the lords spiritual and temporal, and commons, [illegible]

[illegible]

[illegible] vancement to the throne, was to settle a Privy-Council,* and appoint a Ministry. The earl [illegible]

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* The names of the Privy Council [illegible]

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[illegible] ration, who should be the other secretary; at [illegible] for that post. He had stood at a great dis- [illegible] though a privy-counsellor, never went to the [illegible]

[illegible] cause, and would be so far a criminal as con- [illegible] make a king, yet, upon his principles, he could [illegible] alienate him from them, and throw him into [illegible] avoid exasperating so large a body, to employ [illegible]

[illegible] the king, and give him such a jealousy of every [illegible] with a great mixture of republican principles. [illegible] at the employing the earl; 'and he gave [illegible] for he set himself with a most eager partiality against the whole party, and against all the motions made by them; and he studied to possess the king with a very bad opinion of them. And whereas secretaries of state have a particular allowance for such spies, as they [illegible]

[illegible] very copiously that way, which made a deep [illegible] sioner. He was the first of all the English [illegible] soon saw that the king considered him more [illegible] suited the king's temper. Mr. Rd. Hampden and sir Henry Capel were the other commissioners. The earls of Monmouth and War- [illegible] the inferior places, but sought out men of republican principles: and Warrington is said [illegible] Admiralty was also committed to the care of commissioners; and admiral Herbert, afterwards earl of Torrington, was first in the com- [illegible] and chose rather than comply, to lose places

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* "He was a younger brother of an antient [illegible] king Charles 2 from a page, and was considered at the time that the earl of Sunderland, lord [illegible] haps ever bred in a court. He had a clear apprehension, and dispatched business with [illegible] religion and virtue, and was free from all va- [illegible] much of the confidence of four succeeding [illegible] which he quitted, and was made a Baron the [illegible] Sunderland; and was sent by king James to [illegible]" Tindal.

to the value of 4,000*l.* a year, [illegible] a good understanding, and a great reputation [illegible] thing gave a more general satisfaction than the [illegible] privy-counsellor to bring a list of twelve, and [illegible] and worthy Judges. This nomination was [illegible] chief justice of England, then a young man for so high a post, who maintained it during his whole life, with a high reputation for capacity, [illegible] since sir Matthew Hale's time, the King's-bench has not been so well filled as it was by him. [illegible] of the King's-bench; sir Henry Pollexfen, lord [illegible] common pleas; sir Robert Atkins, lord chief [illegible] more, and John Turton, barons of the exchequer; and John Trenchard, chief justice of Chester, sir George Treby, attorney general, [illegible] the space of two months. And as Dr. Burnet had been one of the chief promoters of the Revolution, so he was the first ecclesiastic, who [illegible] bishop of Sarum, pursuant to his majesty's Conge D'Elire, on the 9th of March, and consecrated on the 31st of the same month at Ful[illegible] Lincoln, Landaffe, St. Asaph, and Carlisle, by virtue of a commission from the abp. of [illegible] mony himself; and three days after the new [illegible] and prejudices of the others, a faction was [illegible]

The Convention turned into a Parliament.] [illegible] done was to turn the Convention into a Par[illegible] having been called by the king's writs, there [illegible] calling of a new parliament, and to preserve a great number of members, that were entirely [illegible] proposed the question to them "Whether the Convention might be legally turned into a Par[illegible] the state of things, the council was divided upon the question, but the majority agreed [illegible] the affirmative.

[illegible]] Feb. 18. [illegible] solemnity to the house of lords, and taking pos[illegible]

"My lords and gentlemen; I have lately told you how sensible I am of your kindness, and how much I value the confidence you have reposed in me. And I am come hither to assure you, that I shall never do any thing [illegible] me.—I think it necessary to acquaint you, that the condition of our Allies abroad, and particularly that of Holland, is such, that unless [illegible] greater hazard than you would have them ex[illegible] serious consideration; and that a good Settlement at home is necessary, not only for your own peace, but for the support of the Protes-

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* These were the earl of Carbury, sir Michael Wharton, sir Thomas Lee, sir John [illegible] distinguished himself by several speeches for the bill of exclusion, being little acquainted [illegible] excuse him from acting at the admiralty board, on account of his insufficiency. The king replied, 'There are enough who do understand the business, which a man of sense would soon [illegible] saying, 'since he was not qualified for the [illegible] accept the [illegible].' Oldmixon.

* "Archbishop Sancroft refused to consecrate him, but to avoid a premunire, he granted a commission to any three of the bishops of his province, in conjunction with the bishop of London, [illegible] authority during pleasure. Thus, he authorized [illegible] his own hands." Burnet.

† Tindal's Continuation of Rapin.

‡ See Appendix No. III.

[illegible] venting the inconveniences, which may arise [illegible]

This Speech was received with a general applause; and pursuant to the last clause of it, the lords immediately brought in 'A Bill to remove and prevent all Questions and Disputes [illegible] that afternoon, passed the next day, and sent [illegible]

[illegible]

Feb. 19. The house went into a grand committee on the King's Speech.

Mr. *Medlicot.* To prepare ourselves against any foreign invasion, or intestine troubles at home, there will be a necessity of raising Money, which must be done in a parliamentary way. And if we stay to call a new Parliament, it will be too late; therefore I move to turn this Convention into a Parliament. [illegible] bly into a Parliament is not without reason nor [illegible] was declared king, by a mutual stipulation [illegible] Magna Charta. In the 12th Ch. 2, a Convention [illegible] beyond sea: it was called by desire of the [illegible] several Acts passed; some were confirmed by [illegible] Judges. I infer from thence that the subjects [illegible]

[illegible] king's Speech, &c. for a speedy Settlement of the Nation; and the only way to come at this is a free parliament; and Money being the great matter to consider of, it cannot be raised without a parliament. There are some pre- [illegible] come up to our case, I should agree to. What [illegible] the case of a Convention. There was no parliament seven days after he was elected: Lan- [illegible] in Ch. 2's time, that Convention was originally a Parliament, and by the [illegible] of that time called to meet in parliament, and had all the formality of the consent of the people; nay, every Act of Confirmation, in the subsequent parliament, styles them a Parliament at their [illegible] such; and to this parliament, before they did [illegible] their meeting; and when the king came into England, he called them a Parliament. There was then a king *de facto*, and a government *de facto*, and by his consent it is a parliament, and that gives it the virtue of a parliament. [illegible] to this special purpose; that now, upon king [illegible] supply that defect; and we can proceed no further, till a Free Parliament with the People's consent be called. If this body may continue to act as a parliament, without breach of elections of the people, I should be for it. It can- [illegible] fore as that of Ch. 2 was a Parliament by the king's consent, therefore I move that the king [illegible] a parliament.

Mr. *Boscawen.* I appeal to the house whe- [illegible] things he has said. I will say further, that the [illegible] running back from whence we came; and now [illegible] all fall! I have not contributed to invade the [illegible] brought in Ch. 2 was not so much a Parliament as this Convention. A Parliament is nothing [illegible] Keepers of the Liberties of England; and then with such limitations, that such and such [illegible] affections to the government; which renders [illegible] Triennial Parliaments, the chancellor was of [illegible] issuing them out, the officers of the country [illegible] Ireland may be lost; and the king of France would give 100,000*l.* to accomplish it. I am jealous there is a snake hid in the grass, and that there is something more in this, than we see. Consider, if this be no Parliament, then [illegible] vacant, and that it is now full; and how will you get a parliament? and some look on the [illegible] water. Upon the whole I [illegible] Ireland, and to [illegible] hoped to preserve us, [illegible] late for the present. No other design can be in this, but to put us all to stand upon our guard again, and fight out our way, and be upon no bottom: if we retract, and go so far as is moved, we shall be all [illegible] go back again to our [illegible]

Sir *Tho. Clarges.* I am not of Boscawen's mind. I hope I may say I never did any thing to infringe the Liberties of the People; and [illegible] gentlemen that were never in the parliament before know, whither this matter may be carried. In the [illegible] reigns, there was making distinctions of persons here; we were reproached that we voted against the king, when we gave [illegible] we represented [illegible] the part of the people, and [illegible] nation. I meant no otherwise than that the king should govern well. I brought in the Habeas Corpus Bill, and what I say now is with my conscience and mind. As to what is now in debate, I hope we may have a free-chosen Parliament, [illegible] 40 days from the test of the writ to the election not being necessary. In the Assembly at [illegible] the proposition was [illegible] to a free Parliament. It was advised, that Letters should be sent from the Prince into the counties and boroughs, &c. in order to the choice of a Free Parliament; and I gave my voice for it preparatory to that: and since it has been voted [illegible], that the Throne is vacant, I am satisfied, though I was then against it. I question whether, upon this change, our [illegible] against [illegible] the French king, who invades the Hollanders. I hope the Revenue, which is 2,200,000*l.* may support Ireland. When you met the 22d of [illegible] the Prince [illegible] the administration of the Government, you omitted one great thing; viz. to advise him to possess himself of the Revenue. I propose now that all the Revenue of James 2 may be [illegible] running back from whence we came, as you have been told; but by not calling a Parliament [illegible] in Westminster-Hall [illegible] a Parliament? I sat in the parliament of 1660, [illegible] was then a king *de jure* kept out by wilful [illegible] ment, and it was never called a Convention by [illegible] who [illegible] Parliament, and that they were under the trust of the People, and [illegible] were not called 'no writs;' and if you make this a Parliament, you elude the Prince's Declaration, [illegible] says, 'No Money to be raised but by Parliament.' Can it have any other meaning [illegible] chuse a parliament; and shall we give occasion [illegible] that the [illegible] government by prerogative, and our parting with our Privileges? It has been said, 'How can we have a Free Parliament [illegible]?' [illegible] instrument, that the Oaths and Test ought to be taken by members, before admitted: and when a Free Parliament shall meet, I doubt not but they will ratify what we shall do; and now, that there is a Revenue for the present necessity of affairs, and a new Great Seal now [illegible] writs [illegible] would put this upon a mere point, whether this be a parliament, or not?

[*Debate on the Bill for preventing Doubts concerning the sitting of this Parliament.*] This day, a Bill was sent from the lords to prevent [illegible] doubts [illegible] sitting of this present Parliament; which was [illegible]

Mr. *Hampden.* I hope this bill will tend to your Settlement. I observe, the lords make it more frequent to read bills twice in a day than [illegible] to their Order; and I would not be thrust on [illegible]

Sir *Edw. Seymour.* I see gentlemen speak here [illegible] in Parliament! When gentlemen speak with reflections, and cry, 'hear him, hear him,' they cannot speak with freedom. I speak [illegible] the committee. Shall you put it into the power of the lords to lay aside any of your debates, by sending you a bill down? I [illegible] you are satisfied that this is not a pretended [illegible] all your laws, I would have you leave the chair, and go into a Grand Committee, for freedom [illegible] this matter, I desire to go into a Grand Committee.

[illegible] care of order; and I have seen no disorder [illegible] have heard 'Hear him, hear him,' often said in the house. Seymour says, 'He would not have us tied up by the lords to what they do.' I take it, the lords and commons are [illegible]

[illegible] committee begun upon Heads, we might have gone on; but by degrees we are gone into the [illegible] 'That it was necessity that first brought on the Ship-money:' but it was the practice of all [illegible] People. If ever there was a necessity to warrant making us a Parliament, there is one now. Are we in Peace? Is the state of Christendom [illegible] tells you of 'the Great Man of War.' If you [illegible] will give millions to make a separation in the nation.

Sir *Tho. Clarges.* I am called up by what [illegible] war declared yet, but I would put nothing to [illegible] weeks; and we are better justified in that than any other method. The Revenue for the pre[illegible] I am glad to see so many worthy persons promoted to dignities; and I believe they will [illegible] against the Throne vacant; to have printed [illegible]

Mr. *H*[illegible] ing into what is not resolved on by the house; to talk of the formality of calling a Parliament [illegible] must properly be put; or put any thing regularly, and I will serve you to an 'Aud' and an 'I.' If you debate this, you would all day [illegible]

Sir *Rob. Howard.* You have already re[illegible] upon to-day. I have heard no arguments to [illegible]

[illegible] have all the freedom of debate you can desire; and I would not anticipate the debate till it be regularly before you. But it is a strange thing I hear from Sawyer, 'That we cannot speak [illegible] throw out. Is it not a hard thing to speak against it, and not for it?

[illegible] with great submission, I affirm, Reasons may be given why you should not adjourn. You are told, 'When you read the Bill to-morrow, you have the same liberty as now;' but then [illegible] ration, that there should be freedom in de[illegible] at one time; others are not so happy, but must speak oftener. If, then, it be necessary to speak twice, God forbid but a gentleman should do it! But if not, no man here can believe you are inclined to make this a free Parliament. I would proceed to the consideration [illegible]

Sir *Edw. Seymour.* I speak to order. It is [illegible] strain it.

Feb. 20. Sir Henry Capel delivered a Mes[illegible] a long silence,

[illegible] it. If we have not the power of a parliament, we can go upon nothing. There are precedents [illegible] hands; as that of the Relief of Ireland, and to [illegible] unsettled condition. The lords Bill is a foundation for us to build upon: and I move, that [illegible]

[illegible] fit now. I respect our ancestors, who always [illegible] sonable in a sick man not to take any physic [illegible] We are come out of the greatest tide; and, to [illegible] against it; but if we cannot make a perfect [illegible] our own late king, a Papist now in France. There is a certain sort of loyalty, called 'Pas[illegible] keep out the tide. They say, 'Necessity has [illegible] the lords Bill.

Serj. *Maynard.* I do not wonder that men are silent in a matter of so great consequence. [illegible] still to put a stop to it. Here has been a great [illegible] 'Abdication.' And we have have been told [illegible] this Convention a Parliament; but I think we [illegible] What is a Parliament but [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] All has [illegible] [illegible] the great law [illegible] [illegible] [illegible] that statute of [illegible] [illegible] [illegible] [illegible] of May, the [illegible] writ to call them. We [illegible] be are this was declared and [illegible] that parliament. I shall [illegible] debate, and give my opinion.

[illegible] I would not [illegible] you, but that [illegible] Sir [illegible] Maynard [illegible] a parliament, [illegible] from the [illegible] against it, pray let the [illegible] chair.

[illegible] There seems a general [illegible] what has been said, therefore [illegible]

[illegible] If I were satisfied this was a [illegible], I would not go about to [illegible] against it. If I am [illegible] that [illegible] I do not [illegible] to [illegible] they will give me their [illegible] them. If you con[illegible] the Vacancy [illegible] I am [illegible] For the preservation of the [illegible] these ways are most [illegible] [illegible] The [illegible] began there, on Monday [illegible] came down here [illegible] great [illegible] and much [illegible] Lord [illegible] It makes every man [illegible] can make it [illegible] a Parliament, and the [illegible] are not a parliament, and so [illegible] to the statute of the Tests, [illegible] and then [illegible] with the Penal [illegible] [illegible] [illegible] [illegible] When [illegible] do it, whether [illegible] Statute [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] the country. Suppose the best [illegible] the best men [illegible], there is the substance, the power and the [illegible], but [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Wm. Rufus, and [illegible] They think themselves a Parliament, but in relation to the Long Parliament [illegible] [illegible] together [illegible] I am bold to say, [illegible] precedent [illegible] [illegible] Edw. 2. was [illegible] was driven into Wales, [illegible] And [illegible] Edw. 3. declare, 'That, whereas [illegible] Edw. 2. by the general [illegible] and assent of the earls and barons, [illegible] remove himself out of the realm, [illegible] regent of the realm.' [illegible] precedent [illegible] that [illegible] precedents [illegible] [illegible] [illegible] [illegible] [illegible] attended with [illegible] [illegible] [illegible] The king of France [illegible] What [illegible] from Ireland? They [illegible] to the Prince of Orange, [illegible] they are [illegible] [illegible] (Hamilton*) was so far from bringing them over to [illegible] [illegible] Ireland [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] he might [illegible] [illegible] [illegible] should be at all the charge to reduce Ireland: you [illegible] [illegible] [illegible] great [illegible] [illegible] it was [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] preserve [illegible] [illegible] [illegible] [illegible] [illegible] I speak this, [illegible] there is a necessity for Money to [illegible] [illegible] The present [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] We [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] before [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] it has [illegible] [illegible] I [illegible] [illegible] [illegible] [illegible] but have

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* [illegible] Hamilton [illegible] sent over to Ireland. He was a Papist, but was [illegible] with [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Dublin, the earl of [illegible] [illegible] [illegible] But Hamilton [illegible] He represented [illegible] [illegible] [illegible] make haste, before a Fleet and Supplies might

come from France [illegible] several letters were [illegible] [illegible] [illegible] general [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] were sent [illegible] [illegible] [illegible] [illegible] the king [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] minister be [illegible] the government. Yet he [illegible] [illegible] [illegible] answer or [illegible] [illegible] [illegible] Message was [illegible] he [illegible] submit [illegible] good [illegible] [illegible] [illegible] [illegible] [illegible] this message [illegible] [illegible] which was [illegible] [illegible] [illegible] that the [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] of Tyrconnel to the king, and this gave the beginning to the war of Ireland. Those who had advised the sending over of Hamilton, were much out of countenance; and it was believed that it had a ter[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] and leaped into the river, and was drowned. Burnet.

England's [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] as Holland has done now for England. But I should be glad to see us a legal Parliament, [illegible] [illegible] [illegible] [illegible] with us; and then we shall be sure of their Money. As a Council, we may sit, and represent [illegible] the Palatinate [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

Sir Edward Seymour [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] He seems to speak [illegible] It is impossible [illegible] the Oath [illegible] [illegible] without [illegible] [illegible] [illegible] [illegible] Seymour [illegible] [illegible] [illegible] [illegible] [illegible] I swear [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] the [illegible] That [illegible] [illegible] [illegible] Law? When we [illegible] [illegible] [illegible] [illegible] recourse to the [illegible] [illegible] [illegible] [illegible] [illegible] says Seymour, [illegible] from us in discontent? I would not have you entangled with a fine speech; I hope we shall [illegible] greater [illegible] [illegible] be than when the lords say we are a parlia-

[illegible] at the nation is in; and I think the clergy are out of their wits; and, I believe, if the clergy should have their wills, few or none of us should be here again; and never any Popish prince [illegible] gary; and all by the instigation of the Clergy. What is a Parliament then? The Convention was not called by the king's writs legally, yet were declared a parliament; and you will not declare yourselves no parliament, unless you are out of your wits.

Mr. *Eyre.* The matter you are upon is of great consequence; therefore I hope you will [illegible] culties. I shall not meddle with politic consi- [illegible] now before you. The objections against the lords Bill return upon them that made them. If we are not constituted a Parliament under [illegible] one in England more—13 Ch. 2, 'No Mem- [illegible] by the statute 5 Eliz.; and the oaths not taken [illegible] law? But if a false step must be made, why should it not be by us, whilst our wounds yet [illegible] to heal, six weeks hence, and the wound past [illegible] pons in our hands, as the Jews did, I would not lay them down till we have built in security. We are in an infant government, if I may so style it; it must be preserved by the hand that [illegible] will be of our mind? Nay, the present ferment [illegible] sent necessity is great, as great as the support of our honour, religion, and country—necessity abrogates all laws. The precedents of this, that are demanded, are not to be expected: it is not in every king's reign that he abdicates [illegible] case immediately: necessity gave them a sanction; and where there is the same necessity, [illegible] Representative as can be had; by the call of [illegible] the difference of a writ and a letter put into [illegible] gion? We may 'pay tythe of mint, and cummin, and neglect the greater matters [illegible] luckily brought to the birth, I would [illegible]

Sir [illegible] With reflection on the Clergy, I desire to take off that reflection. They have as great a sub- [illegible] the clergy of Cambridge. I had a letter from Cambridge yesterday, (the place I serve for) which gives me notice, that they are very well satisfied with what you have done; and [illegible] for a Parliament to be chosen; and I have [illegible] ment; and I know how to give my vote. The [illegible] is void; therefore whether you will do it now like those in authority.

Sir *Tho. Clarges.* I stand up with great [illegible] vention be turned into a Parliament, it is the [illegible] any thing be wanting in the Revenue, nothing [illegible] have a parliament in 25 days; 1,200,000*l.* [illegible] charge of the government, and for provision for the royal family. We may spare a million, if such a sum be requisite, to assist us for the [illegible] cold for a month. If this be so, we are not in [illegible] things necessity has drawn us into; those are [illegible] the greatest thing. I hope it is that the king expects from us, and that we are not trusted to do by those that sent us. In the reign of Ch. 2, the parliament did settle a Revenue on the king's two brothers; the officers of the revenue told us, that it was not 200,000*l.* a year. A great man told a story, that a [illegible] crown; the party would have told their Money, [illegible] it, for certainly they would have found it more. Where there is a necessity to give, I [illegible] we shall have no credit upon it; when we come again we may be a lawful parliament; [illegible] A merry man said once in this house, 'Some [illegible] any since the time of the Apostles. The Church of England brought us in Ch. 2, and stood constant in these last trials. I ever [illegible] len College case, which is remarkable. I hope [illegible]

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* Vacant by the death of bishop Ward. Dr. [illegible]

[illegible] ment? Clarges speaks honestly, as I believe he thinks. As for the Clergy, I have much honour for high and low of them, but I must [illegible] and the law of England. I did not speak against the clergy in general.

Col. *Birch.* I have heard a debate of this [illegible] I will not bring the precedents of Edw. 2, and [illegible] remember of my knowledge. I hope we shall not fall under this debate now, and not 40 years [illegible] stances, when any little words dropt then, [illegible] Oliver was proposed to be made a king here, that was laughed at then; and I believe this debate will be so now. I intreat a little of your patience; that parliament of 1660 was not so clearly called as this. Cavaliers were [illegible] here, sir Matthew Hale and the rest, were of opinion, it was a Parliament to all intents and purposes, and nothing of a Convention was spoken of; and to work they went, and very [illegible] the legality of that writ, and that parliament [illegible] before that Act came in to declare it a Parliament; but there was a great deal more done before the king came in, all the acts that could be [illegible] was spoken against it, it was smiled at. That objection about the Oaths has some weight; but in that parliament of 1660 not an oath was taken: about six weeks after, the duke of [illegible] was far from any regularity; and at the opening that parliament, there were not above eight or nine lords in the house. There was a Fast ordered, and a Thanksgiving, and confe[illegible] cannot see them, from what has been prac[illegible] for Money should you stay for another parliament, if you get one in three weeks, a plot may be upon you, in the interim, and then you will have difficulties still, and perhaps more [illegible] God's providence, a king that denies you no[illegible] for Religion. I see a wheel within a wheel in these things. I would look on the wheel within [illegible] have it before you, go on, make your prince love you; but it seems you shall not do it, and a succeeding parliament must make a fine [illegible] comes, it will not be pleasant sitting here. Many worthy gentlemen formerly have lost their lives by it. Great revolutions may be in [illegible] with heart and hand: God has done it all; let us not throw it down again. From the best of [illegible] you make not yourselves a parliament. Pray go on and read the lords bill.

Sir *Tho. Lee.* I think we are a much better parliament than that of 1660. I would know [illegible] from the beginning; they have had variations. Was not the Prince of Orange invested with legal authority by you? And the returns of us hither recorded? If you are not a parliament, [illegible] prospect of king James's abdication; and where were the Oaths of Allegiance, &c. when these gentlemen went in to the Prince? I be[illegible] either send you again or better. Clarges has told you, you cannot raise Money, and, at the [illegible] raised for present use. We are told of relief of Ireland; and what next must be told? You are no Parliament, and you raise the king's Revenue. The king may search for his Revenue, and will find it no more legal than now. [illegible] were a Parliament, from the beginning.

Sir *Rd. Temple.* I shall offer something not [illegible] are not a full and free Representative? Formalities are wanting, you are told, but they are such as could not be had; your elections were [illegible] qualifications for the members, and the lords [illegible] a Commonwealth called it, which was quite another government. There was a time when parliaments met without writs, and king John's [illegible] authority that called you, I will not labour it. [illegible] When the Assembly of Lords and Commons met, the prince said 'he would advise with them of the best manner to call a free Parliament;' and [illegible] Letters. Have [illegible] have done, if you are not a Parliament called in as good a manner as could be, admits no [illegible]

[illegible] be here a month, and now question whether we are a Parliament. If we are called by all the power of England a Parliament, then certainly we are so. Taking it for granted that you could not have such a writ as is usual, can you be better called? I am sorry there should now be such a debate. If you say you are no [illegible] against yourselves; you make yourselves the greatest fools, and something else, and act like children; you have acted without call, and all you have done is void. It will be a strange [illegible] book.

Sir *Henry Capel.* I would encourage and assist this king that desires to live with parliaments [illegible] but let it not be upon your books that there is any question upon this matter.

Mr. *Pollexfen.* I can say no more than what has been mentioned. That nothing may appear on your books on this occasion, put the question for the Speaker to take the chair.

Sir *Christ. Musgrave.* I think you cannot put the question for the chair. If you consult the order, it is about nothing of the Bill from the lords, but only 'to consider the king's Speech.' That is all I have to say at present.

Mr. *Boscawen.* I agree, we can take no notice of the lords Bill at the committee; you are [illegible] king's Speech, and I desire to-morrow you will go upon it. And when the Speaker is in the chair, you may call for the lords Bill.

Sir *Tho. Lee.* Many without doors discourse so [illegible] this matter, that I would therefore have the question on the books.

Sir *George Treby.* I am fully satisfied that you are a Parliament. For the honour of the house, declare you are a parliament; though [illegible] yet for yours. If you consider the prince's advice, in his Letter, he described a parliament; whoever denies us to be a parliament, denies there is either king, or lords, and commons. Declare yourselves one, and you will do yourselves right, and defeat the designs of your [illegible]

Mr. *Godolphin.* I am sorry to differ from several in this great assembly. I have heard it said, 'If this be not a parliament originally, we cannot make ourselves one.' I believe [illegible] such authority. I believe we are well chosen, but only for a particular purpose; which purpose we have accomplished. I am afraid, if gentlemen look into the Returns by which they [illegible] according to the [illegible] Order and Letter,' which is in order to call a free [illegible] robe will give it under their hands that this is a Parliament, I will agree; (the crown, I believe, is worthily placed) but if I am not satisfied in my conscience and judgment that this is a parliament, I must be excused for my negative. To have every body well satisfied, your best way is to fasten the king by a legal parliament. Before you [illegible], put a question to establish the Revenue; and that the king may [illegible]

Sir *George Treby.* The main thing that [illegible] authority by last night's post. If Godolphin will let me read that part of his Return he has not, if it imports he is a member of parliament, he is one, though possibly, he was not so sensible [illegible] [He read [illegible] English, translated, in the Return.] Here is [illegible] by the Letter, and all authority contained in the Return that can be, and I hope this gentleman will now concur

Sir *Robert Howard.* One thing has been omitted; we are all for a Parliament, and yet speak against it. All would have us be doing [illegible] Motion, and we [illegible] Parliament, he has the largest commission I ever heard of.

*The Convention voted a Parliament.**] Resolved, "That it is the opinion of this com-

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* "The commons agreeing to the Bill, it received the royal assent, and the Convention was from that time called the Parliament. This Act was to commence from the 13th of Feb. [illegible] the day on which the [illegible] queen, and [illegible] Oaths of Allegiance and Supremacy, [illegible] taken by the members of each house, from, and after the 1st of March next ensuing. Accordingly, a day was set for the call of both houses, and for requiring the members to take the oaths. Upon the passing this Act, several members who had before protested, that they would neither submit to the decisions of such a parliament, nor sit in it, absented themselves, and retired into the country on frivolous pretences. [illegible] to take the oaths, though they were refused by few or none of the commons, several lords, [illegible] take them. As the duke of Newcastle, the earls of Clarendon, Lichfield, Exeter, Yarmouth, and Stafford, and the lords Griffin, Stawel, and one or two more: these were all, at several times, [illegible] them continued absent. The spiritual lords [illegible] Bath and Wells, [illegible]

[illegible] commons went into a Grand Committee on the [illegible]

[illegible] tion to Holland; but I believe in ten days [illegible]

[illegible] I would fully know it, and I hope we shall give [illegible] is first in the king's Speech, I believe it an in[illegible] of the greatest consideration. I would know the condition of Ireland; which is not to be done without a clear representation of it ex[illegible]sed to us, and I care not how soon it may [illegible]. I fear to-morrow will be too soon, the king being at Hampton Court.

Mr. *Hampden.* I was not at the first part [illegible] Ireland, which relates not only to our being, but our well being. It is said by Clarges, 'he would have an explanation of the king's Speech.' The king is not in town; but what use of it, if he were in town? You have his [illegible] after day, you will have no use of it; but whether will the state of affairs bear your particular consideration? I am not moving for Money, but whether you will have a long series [illegible] Your friends are afraid, and your enemies laugh at delay. But if any man moves for Aid, then, by order, you must appoint a day to consider of it. I wish with all my heart the house would consider of an Aid to the king, [illegible] king, and the nation, as much as can be, and I move you will consider it to-morrow.

Sir *Tho. Clarges.* There is nothing yet before you to answer that motion. I am as for[illegible] king, but we are not proper for that till the State of the Re[illegible] opinion, that the king is invested with it, and [illegible] I know in last king James's time, the first thing spoken of in parliament was Aids, though I know heretofore Aids used to be the last. I [illegible] the king, but I would go by the steps our ancestors have trod in. I would know what the [illegible] Ireland will cost so much, and Holland so many men and ships; when the Charge is before you, we shall know our measures, and till [illegible] is not at all proper to consider it; therefore I [illegible] to Wednesday.

Mr. *Pilkington.* I move that, without delay, we may speedily fall on consideration of [illegible] ment is called together for.

Mr. [illegible] consider the relief of Ireland, but our affairs at home fright us more than those abroad; the [illegible]

[illegible] archbishop ever since the year 1676. He was a man of solemn deportment, and considerably [illegible] go to that court, nor declare against it, though [illegible] to welcome him to St. James's, though he had once agreed to it. When the Convention met the 29th of January, he came not to take his [illegible] act for nor against king James's interest, [illegible] afterwards appeared, that the nation was run[illegible] Church, sit silent all the while, and not so much as declare his opinion by speaking, voting, or protesting. But he was a poor spirited and fearful man, and acted a mean part in the whole affair of the Revolution. He went on [illegible] fusing the Oaths, but neither acting nor speak[illegible] both died soon after, like the archbishop, never [illegible] five withdrew from the parliament, that they [illegible] moderation, some of them moved for a Bill of [illegible] reconciled to the Church of England, and admitted to ecclesiastical benefices. These bills [illegible] tion of a king *de jure* and a king *de facto*, as [illegible] strictly adhered to the principle of the divine [illegible]

I have a letter from my corporation (Ciren- [illegible] terror that can be expressed, that the soldiers [illegible] the king and queen, they [illegible] Mary's *Damnation.* I believe the justices will [illegible] clamation. I believe the black coats, and the red coats, to be the grievances of the nation. I would willingly satisfy the poor people I represent.

Sir *Wm. Williams.* If you will consider the [illegible] debate [illegible] we meddle not with; we are only to supply it. [illegible] the Revenue was settled on the late king, whether all or part vested in him by law, is fit to be considered. If there be a defect, it may be supplied by act of parliament; it is [illegible] When that is done you may consider of Aids, without [illegible] haste. [illegible] will not stay for it. I am as much for haste as any body, but to justify myself to my country [illegible] knowing whether you will continue the Revenue [illegible] I am for supporting the king, both at home and abroad [illegible] come [illegible] out for the king [illegible]

Resolved, "That the house will to-morrow morning resolve itself into a Grand Committee [illegible] King's Speech."

[illegible] *Oaths of Allegiance, &c.*] Leave was asked to bring in a Bill for taking away the Oaths of Allegiance and Supremacy, and [illegible], &c.

Mr. *Sacheverell.* I agree to the motion for [illegible] to take away the Oaths of Allegiance and Supremacy, and [illegible] tend to [illegible] Oaths to this king and queen. And I would have the other Oaths in the Act for regulating Corporations taken away. You have the same [illegible]

Sir *Rob. Howard.* I would not charge this bill with [illegible] many things, it will be long before you have the effect of it. The University, the Judges, and all other officers, require speedy dispatch, and in time that Act of Corporations may be taken away at one blow. [illegible] act whatsoever. I would have an act to take [illegible] the Sacrament upon accepting any office; it is a profaning the Sacrament. When that act passed last, I [illegible] was [illegible] by good churchmen [illegible]

Sir *Henry Capel.* What belongs to the Oaths to the king and queen, &c. I would have [illegible] Corporation Oaths. I am glad to see men tender in oaths; the fewer in the government the better. The design formerly here was to [illegible] could, and to bring in Popery at the bottom of all. I would have no more oaths than are necessary to support the government. The Corporation Oath was to establish arbitrary [illegible] I move that there may be leave to bring in such a bill. As for what [illegible] the Sacrament [illegible] the Church of England, and I will live and die with it, but I would have the receiving the Sacrament, to [illegible] at here by men of great abilities, and good churchmen were against it. Such use was [illegible] could not [illegible] was [illegible] The Test will do very well without it, and I would have it removed.

Sir *Tho. Clarges.* If the Oath be taken away in the Corporation Act, 'that it is not lawful to resist the king,' it implies you may resist him. As for the Sacrament, &c. 'if you take away the whole act, take away that;' I think that unreasonable. The public profession of the Church of England enjoins, 'that the Sacrament be received at least once a year.' [illegible] any are in office, and not of the public profession of the religion of that country. Men cannot be surprized, nor will there be any pro[illegible] the Sacrament, being obliged to receive it but once a year. I am not for taking away [illegible] expected. — Leave was given to bring in such a Bill.

Debate on the King's Revenue.] Feb. 26. The house went into a grand committee on the King's Speech.

Mr. *Eyre.* That we may be able to come to some resolution, I desire we may go on with the King's Speech, paragraph by paragraph.

Lord *Howard.* We ought to take that first on which all the rest is founded. That upon settlements at home is the foundation of all the rest. Whatever is done in relation to Ireland, and abroad, Money must be thought of, and I propose that for consideration.

Sir *Tho. Clarges.* That is irregular, for it is not referred to you by the house to consider of, and [illegible] of course, and Money is a tender matter. As I understand, the Speech points directly to the matter of Settlement, and the [illegible] of Allies, Ireland and Holland [and so reads it], so the [illegible] a good Settlement. And it seems to me this good Settlement is the changing this Convention into a Parliament; so had not the wisdom of this house turned this Convention into a Parliament, you would have advised the king speedily to have called one; and as the [illegible] Settlement of your chief errand; therefore I [illegible] sist upon; they are there but in the nature of projections. I shall not direct, but I think the purport of the king's Speech is to consider a Settlement most for the king's advantage and our good. And therefore I move it.

The Speaker resumed the Chair, upon occasion of some strangers being in the Gallery, and left it again *.

[illegible] We [illegible] the king's Speech to make out a Settlement to se- [illegible] of the soldiers, 'tis not safe for us to sit here— How you will go about that I see not, till you [illegible] in the crown; and then you will know what to trust to. If there be a doubt upon it, we must [illegible] robe's discourses of the Revenue; if any doubt or question be put upon it, clear it. The measure of the matter before you must be the [illegible] measure by it. I take it from the acts of the [illegible] are very doubtful to me, and I would be cleared, and come speedily to a resolution, if it be a good Revenue, for the use of the prince: if not, declare it so.

Sir *Tho. Clarges*. I was with an honourable person discoursing of the Revenue, that I was not free to grant it for life. Learned men are of opinion, that all of the Revenue granted for life of the late king is to the benefit of this king *jure coronæ*. If it be so, I shall acqui- [illegible] honour for the support of the government.

Mr. *Pollexfen*. What opinion I was then of, I am now, and am ready to tell my reasons. [illegible] is it? Where the crown is gone, the Revenue is gone. It always goes where the public capacity goes: I never knew the contrary. 'But the Revenue' (it may be said) 'is granted to the king for life.' I would have the words of that Act read, [which was read] I will take it in the several parts of it: 'It does give and [illegible] the king for life;' with reference to the former [illegible] If I make a lease to the king for life, as long [illegible] go? Shall it go from the succession? Then this [illegible] state and government of the kingdom. This is the reason I give my opinion upon.

Sir *Wm. Pulteney*. Under favour, I think estates given to James 2 are expired and determined; he having abdicated the govern- [illegible] Whatever relates to James 2 is determined. I agree, if it be a lease for life of king James 2, [illegible] that grant does not determine the grant over to another, if granted to a person for life, and he be attainted, or *civiliter mortuus*. But our case stands on another bottom, on a construction by act of parliament, which says, It shall be collected and paid, 'to the king during his life.' 'Tis our security, as well as support of the crown, to have the Revenue in our disposal; though I am not against granting it, yet I would have it from 3 years to 3 years, to secure us a parliament. At least it is a doubtful case. But king James has abdicated, and is no king, and there is an interregnum. How we can count this man alive, I know not. I [illegible] cerning the expedience or convenience, but how this matter stands in point of law? Upon reading the Act, it carries a plain construction expressly; for king James 2 had it for life, and [illegible] If that had not been, the Throne had not been vacant; and if king James be alive, the Revenue continues; and who must take it? The king takes it in his political capacity, which is not dead but remains. If king James be still alive, I see no reason that the Revenue is determined. If it be given to king James, 'tis a fee simple; if to his heirs and successors, 'tis [illegible] life be attainted, the king has it for life of the [illegible] Besides, not only his political capacity remains, [illegible] the vacancy of the Throne, and alive as to the [illegible]

Mr. *Peyton Ventris* *. I should be loth the [illegible] Revenue given to the king is to his successors,

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* "The house being informed, that there [illegible] that were not members of the house; Ordered, [illegible] house, do, from time to time, take into his [illegible] see, or be informed to be in the house, or Gal- [illegible]

* Soon after made a Judge.

[illegible]

[illegible] and admitted in his political capacity; but with limitation for his natural life, 'tis not so long as he shall continue king, but for his natural life. 'Tis argued 'that any grant to the king in his political capacity is now determined, that carries a trust with it.' Other gentlemen say 'this is but in the nature of an ordi- [illegible] estate? If a man enters into Religion, it does not determine the estate, but the heir shall [illegible] sent. 'Tis most plain the trust is for the public. I take the law to be, that those grants are construed in the common course of law.

Sir *John Guise.* What is given to the king, I conceive, is not as he is king, but for support [illegible] receive it, 'tis not come to be nothing, but is [illegible] more is conveyed than granted; therefore I would declare it in the king.

Lord *Falkland.* Being settled on king James for life, you cannot do it for king William, during king James's life. You have declared the Throne vacant, and after it was so [illegible] when the Throne was vacant, I know not how [illegible] I would not have the Revenue doubtful, but clear it by act of parliament.

[illegible] pointed at even now, and I will deliver my opinion freely. I think it is mighty plain that this Crown is an hereditary crown. Richard 2 abdicated, and there was a vacancy. When the [illegible] his successor; but when he abdicates the [illegible] king. Lord Falkland is above the study of the [illegible] that if a Revenue is granted to John-a-Styles for life, though the king dies, if John-a-Styles is alive, that lease is not void. I have spoken of [illegible] thoughts till this morning, but now am of opinion that it rests in the life of king James 2. From the opinion of the last parliament, and [illegible] too, the Revenue is of inheritance of years and life. That upon which the question arises is that of the Customs, and half the Excise, [illegible] king's Life? I think, not his reign, for it might have been as well expressed his reign, and as well now; but I think it is intended, during his natural life. If all the parliament [illegible]

[illegible] years determined? No. Which implies that [illegible] another. Had it not been for this unfortunate change for James 2, (which I speak of with [illegible] you remember that gentleman who said, 'we [illegible] advised the prince to take the administration of affairs upon him, civil and military, and the public Revenue. He put out a Declaration of [illegible] him with Thanks for accepting the government, [illegible] interpretation than what Revenue was then in being; and it is strange it should not be con- [illegible] did, and what you thought a Grievance. No [illegible] venue to the king for another man's life; and I need not labour the matter.

Sir *Tho. Clarges.* I do not labour this, but I offer only, that, if there be any doubt, you [illegible]

[illegible] times did abdicate the Revenue; nay, that he [illegible] could give it, 'nemo dat quod non habet,' [illegible] and commons offered it as a present to king William, and that they have a right to offer this Revenue as a present to him, is my opinion.

Mr. *Godolphin.* I am willing to divide with both opinions. I believe, that parliament that [illegible] king William; for there were no thoughts then of king James's abdication. If any doubt be in the house, it is in your power to put it out of doubt.

Sir *Jonathan Jennings.* It is highly necessary to come to an end of this debate. There have been many cases put, and I hope some [illegible]

[illegible]

Sir *Wm. Williams*. What is given of this [illegible]

[illegible] case, king William will hold it upon mighty un- [illegible]

[illegible] and though you did think fit to give the king- [illegible]

[illegible] this house.

[illegible] the crown.

[illegible] please.

[illegible]

[illegible] opinion, that the Revenue of the [illegible] [illegible] of the other; and so you may proceed to [illegible] parliament.

[illegible] your vote: it must be by act of parliament; and the greatest security to the crown is, [illegible] to put that question, but to bring in a Bill.

Sir *Tho. Lee.* If we bring in a Bill, it must be a bill to grant a Revenue; and it is not to begin here, but from the whole house. It is [illegible] the Revenue [illegible] then the house to go into a grand committee. I have heard the gentlemen of the long robe with great attention; but one thing sticks with me; there is a great difference betwixt what was anciently, and now; formerly the crown subsisted by lands of its own, but now by what [illegible]

[illegible] crown, and another. King James had the right in him, and his heirs and successors had it, and no distinction in law of his political and natural capacity. If an estate be granted for life to king James, there is no distinction and limitation of estates betwixt grants to the king and a private inheritance.

[illegible] is justice and truth. I would know if we have done justice to fill the throne with king William and queen Mary? Is it a prudent thing for us to say, that king James 2 is no king, and yet James 2 has a Revenue? I remember, on de- [illegible] argued against it, alleged 'that there was no [illegible] crown; for, when the king dies, the Revenue [illegible] Religion, before they grant it.' We have seen that has been otherwise. When the king has abdicated the government, it is inconsistent with reason to think otherwise. I think this matter relates to Money, therefore it is proper to be in a committee of the whole house.

Sir *Rob. Howard.* [illegible] into a grand committee.

Resolved, "That this house will, to-morrow morning, resolve itself into a Grand Com- [illegible] Revenue."

[illegible] Revenue, [illegible] den in the chair.

Sir *Tho. Clarges.* I would do my duty to [illegible] from the king what I do not from others. I [illegible]

[illegible] years, you will be secure of a parliament. I doubt not the people of England, when they [illegible] laws, and are in security and safety; it is an [illegible] I move, 'that the Revenue may be settled for three years.'

Sir *Rob. Sawyer.* I believe sir Rob. Howard can give you an account of the yearly value of [illegible]

[illegible] this, I would have it determined, whether the [illegible] are in being, before you proceed to any further [illegible]

Mr. *Love.* I find there will be occasion of [illegible] When all is before you, you may consent to such a Revenue as may make the king great [illegible]

[illegible] and you. We are not secure from danger; and I believe you will not lessen your reputa- [illegible] him, and being perfectly united in interest and [illegible] tation of the king lessened in that court. The [illegible] of Edinburgh castle, and it is thought will make king James a passage into Scotland by [illegible] upon Holland. I know not what can resist [illegible] God, can do it. This is the state of affairs abroad: the Army is discontented at home. All this considered, I would have gentlemen consider, whether it is not necessary that there should be confidence in the king. I doubt not but the king will call parliaments often. If I had thought him a man of that temper as not to call parliaments, I should never have ventured my life and fortune for him; and if he [illegible] with you, I shall be glad of it; if not, I shall [illegible]

Sir *Edw. Seymour.* You have had a repre- [illegible]

What you settle on the crown, I would have [illegible] monarch, we must support him. I was sorry to hear what I did yesterday (from Birch), as if [illegible] tle the Revenue, I would enquire into it; if [illegible] cannot do it effectually. There is great need [illegible] quire into it; and, if possible, that the whole [illegible] the Revenue is your best method.

Sir *Francis Drake.* We are told of former excess of giving Money: I was never for it, because it was against the interest of the nation, to stab our Religion and Laws. I thank [illegible] we are under a prince who has deserved well [illegible] It is proposed, 'that you calculate what is ne- [illegible] count given in a short time. I would appoint to-morrow for it.

Sir *Robert Howard.* I wish I could give the [illegible] then be careful of excess; but coldness [illegible] will have more fatal effects. The question [illegible] life, or years? I have heard the argument for [illegible] Parliaments. I will lay little argument upon [illegible] of religion. I never will speak against a Triennial Parliament. When a Popish king has [illegible] parliament as to have the Revenue for life, if a prince, come in to save your Religion and [illegible] will be thought a great coldness. It will be [illegible] couragement to your enemies. Here are great dislikes, of a sad and cloudy nature; this may [illegible] men's minds, and extend to Elections of Parliament-men, for the future. Perhaps arguments of so short a term as three [illegible] the condition of the Revenue: you yourselves, [illegible]

Mr. *Eyre.* I move, that the Debts of the [illegible] upon the Revenue.

Sir *Robert Clayton.* I am afraid that will not do your business. I apprehend that there [illegible] ver it on the king.

Mr. C[illegible] I believe it is upon that part of the Excise which legally ought not to be charged: there are solicitors at the door in this business already.

[illegible] yet come to the lord Treasurer for it. I was of that Jury, when 80,000*l.* a year was bought [illegible]

Sir *Henry C*[illegible] Bankers, I would not neglect the security of the kingdom: but if it be charged upon a branch of the Revenue, which it ought not to be, it is [illegible]

Sir *Robert Howard.* I had the honour to be [illegible] Coleman, who said, 'that a considerable sum was to be given to secure the Bankers Debt; [illegible]

Sir *Tho. Lee.* I know not how this debate of the Bankers comes regularly before you. [illegible] and less in law; but I had it from lord Clifford, 'that, if the Bankers lent the king 100*l.* [illegible] advance Money. Tickets cost 2*s.* 6*d.* a-piece, [illegible]

Mr. [illegible] Coleman for such a sum of money. A great deal of money was lent to king Ch. 2, on credit, in lord Clifford's time; and the shut- [illegible] war with Holland; and, without that illegal [illegible] war. I would have it brought in; if legal, it may be thought of; if illegal, made void.

Mr. *Pollexfen.* I am of the mind of the gen- [illegible] ceive him, and in him, ourselves. I would have [illegible]

Mr. *Sacheverell.* I have known this of the Bankers business. If you look upon it as a Debt [illegible] the king [illegible] examine the accounts, it may possibly [illegible] Midsummer. There was great solicitation in the house then, and some said [illegible]. It was urged then, 'if you can prove a just Debt, will you come to account of the Money you lent; and will you be content to stand by it, and fall by that account?' Then said I, 'what reason have you to expect more privilege than all the other subjects of England, and there is no reason to look into it.' Was it examined, it would be found, that the king was so far from being debtor to them, that they would be debtors to him.

Mr. *Garroway.* When the king, that now is, was here as prince of Orange, I walked with him; and, discoursing of the Bankers, I told him, they might have had all their Debt paid, would they have discounted at 7 per cent.

The rest of this day's debate was spent in several Proposals for raising Money. And it was agreed, "That 420,000*l.* should be given his majesty by a Monthly Assessment:" which was the next day agreed to by the house.*

Resolutions relating to the War.] [illegible] day, [illegible] the house, "That the late king James was sailed with French troops [illegible] to land in Ireland." [illegible] nem. con. "That the house will stand by, and assist the king with their Lives and Fortunes, in supporting his Alliances abroad, in reducing of Ireland, and the Defence of the Protestant Religion and Laws of the Kingdom." To which the next day, they desired the concurrence of the Lords; and afterwards presented to his majesty in the form of an Address.

State of the Revenue delivered in by Sir R. Howard.] March [illegible] Sir R. Howard reported that, according to the Order of this house, [illegible] the several branches of the Revenue, and had prepared a Computation thereof, as follows:

A Computation of the several Branches of the Revenue.

	£.	s.	d.
The Old Customs made in the year 1685 - - - - -	532,143	9	6½
1686 - - - - -	595,688	7	10½
16[illegible] - - - - -	[illegible]	[illegible]	[illegible]
16[illegible] - - - -	[illegible]	[illegible]	[illegible]

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* "The most salutary change in the constitution of England at the Revolution, was effected by the regulations which the commons adopted with respect to the state and final settlement of the Public Revenue. The connexion between the Public Revenue and the temper of government, must appear an important and instructive fact, to every one who carefully peruses the history of England. Though, at an early period, the kings of England possessed a large independent Revenue, arising from patrimonial demesnes, taxations, and servitudes, yet these were far from being adequate to the extraordinary expences which occurred almost in every reign. The prodigality of a court, internal convulsions, and foreign war, had often compelled the prince to own his dependence, and [illegible] the bounty of his subjects. The solicitations of the prince reminded the people of their own importance. Their discontents, hitherto propagated in timid whispers, assumed the bold strain of Complaint and Remonstrance, and [illegible] Hence the Redress of [illegible] come to be the stated price of liberality to the prince, and the people wisely calculated, that any inconvenience, arising from the [illegible] of their property, was [illegible] compensated, by the [illegible] [illegible] the [illegible] Revenue [illegible] laws, an accumulation of Grievances, against which they had not an opportunity to remonstrate [illegible] their rash and [illegible] generosity, to the late prince. 'We may date our misery to our bounty,' said a member of the house of commons. 'If king Charles had not had that bounty from you, he never would have attempted the things he has done.' 'I remember,' said another, 'when above 100,000*l.* was given for building of ships, and not one was built; and above 200,000*l.* granted to support the Triple League, was employed for breaking it.'—The [illegible] of the Revenue, from these considerations, appeared the capital point to which the attention of every true patriot ought to be directed; and which, if it was once compassed, would ensure the redress of every remaining Grievance, and the progressive improvement of the constitution. The most perfect political sagacity could not foresee what abuses or grievances might arise at any future period, but these could be only [illegible], if the Revenue was subjected to such periodical expirations, as must necessarily render the prince dependent upon the gratitude and generosity of his people. As the foundation of this system, it became expedient that the Commons should [illegible] the [illegible] extent of the [illegible] ever [illegible] towards the [illegible], by putting the crown upon his head. [illegible] were of opinion, that the Act of Settlement [illegible] the Revenue [illegible], at the period of king James's abdication; and [illegible] When [illegible] the Revenue [illegible] of king James, great address was used to treat the question as a point of law, and to exclude those arguments of expediency, which could

	£.	s.	d.
The medium of the 4 years is	577,507	12	10½
[illegible] newly expired	19,500	0	0
[illegible]	[illegible]	[illegible]	[illegible]
	£. 609,126	17	[illegible]

The [illegible]

[illegible]	567,064	12	[illegible]
[illegible]	581,664	4	[illegible]
[illegible]	623,891	1	7
[illegible]	626,358	12	[illegible]

[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	200,000	0	0
The Post-Office, per [illegible] about	65,000	0	0
[illegible] ann. about	26,350	15	[illegible]
Total	[illegible]	[illegible]	[illegible]

[illegible] any new interference, or confirmation by par- [illegible] carious, but not in the same degree dependent [illegible] a short or definite period. They maintained, [illegible] regulations with private-property; that having [illegible] had deserted his public trust; but that, while he lived, it belonged to the person substituted [illegible] or imaginary abuses of a Revenue exempted [illegible] cautious and restricted modifications of the

[illegible]

	£.	s.	d.
Wine and Vinegar for Eight [illegible] chaelmas 88	172,901	10	8½
Remained to come, 4 Years, Half, from Christmas last, [illegible]			
Tobacco and Sugar, for the [illegible] the same year	148,061	8	0
[illegible] &c. for 5 Years, produced, in the said Year	93,710	8	1½
Remained to come, 1 Year, [illegible]			

[illegible] the Register, as it comes in.

[illegible] the house, that he had a Message from his [illegible]

"W. R. His majesty, having been informed, [illegible] agree, either to a regulation of it, or to the [illegible] think most convenient: and, as, in this, his majesty doth consider the ease of the subject, so he doth not doubt, but you will be careful [illegible]"

[illegible] ject: 47,881*l.* had been paid by the privy [illegible] famous suits: 100,000*l.* had been placed to the article of Secret Services, in the course of [illegible] nue had expired; and afterwards agreed, that [illegible] application of them, are to be ascribed prin- [illegible] tions began to be estranged from a party, who appeared to have laid down a plan, to revoke [illegible]

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* "Eighty-seven" should be "Eighty-five."

Debate thereon.] Mr. Comptroller *Wharton.* I cannot but say, this is the greatest honour [illegible] it is the first I ever heard of this kind, for the [illegible] Paper, viz. that the king was the first that [illegible] of the people, and would always do so: he, and only he, is to have the honour of it.

Sir *Rob. Howard.* It was very late, when [illegible] king made this motion in council: the king said, 'It was much in his thoughts:' I could [illegible] this business; and in all his discourse from [illegible]

Sir *Tho. Clarges.* I move, that both houses [illegible] their humble sense and Thanks; and I would [illegible]

Sir *Tho. Littleton.* We cannot but have a great sense of this gracious condescension of his majesty; perhaps the most grateful and [illegible] king formerly. And as this is a great favour from his majesty, so I hope we shall take care, [illegible]

Col. *Birch.* I stand up to second not only [illegible] lords, but this being such a Revenue that we [illegible]

Sir *Tho. Lee.* I move to have an addition to the Thanks, &c. 'That the king need not [illegible]'

Mr. *Hampden.* First resolve on Thanks, [illegible] may appoint a committee to draw up the Address.—A Committee was appointed accordingly.

[illegible]

[illegible] had a Message from his majesty, viz.

'[illegible] mation, that there are several persons in and [illegible] secured, upon suspicion of High Treason; and [illegible] others, within a little time: but that his ma- [illegible] he will preserve: and that therefore, if those [illegible] willing, that excessive Bail should be taken in [illegible] him: that ordinary Bail will not be sufficient; [illegible] of succeeding will not stick at forfeiting a small sum: and that, this falling out when the parli- [illegible] and intends to advise with the lords also."

[illegible] sage requires your Advice. I conceive, the king is under some pressure by the law; he [illegible] the law; our business is to take off all hard- [illegible] upon ourselves. It is not unknown, at least [illegible] little time to consider of it.

[illegible] shall give in this. In the mean time, I desire [illegible] these men; and I would add Thanks to the king for asking your Advice; a thing not very [illegible]

Col. *Birch.* I second that motion. These [illegible] Chimney-money, (by which a Freeholder was not left in England) I second the motion, that [illegible]

[illegible] hands. I have letters, that the soldiers in [illegible] the soldiers killed a man. I would consider [illegible] provision for the safety of the Government. There is a kingdom near us, where these sol- [illegible] inviolable, and I am always for keeping it. Therefore I would make immediate application to the king, to take up such persons as he shall suspect to be obnoxious; likewise I would have a short Bill, for two or three months, to [illegible] shall have cause to suspect, without the benefit of Habeas Corpus.

Sir *Thomas Clarges.* A thing of so extraordinary a nature as this, requires time to consider of it. I cannot consent to this Bill. It is said, 'these men may escape when bailed.' [illegible] Corpus act? I would rather advise, that great [illegible] that that Bill should be intrenched upon; a thing so sacred! The other motion, about the [illegible] is sufficient already; but if martial law be necessary, [illegible] But I cannot abide martial law.

Sir *Henry Capel.* This matter is for the [illegible] of this house. Pray let there be no discouragement [illegible] it is weighty, and a great deal is at the bottom. 'That the king would continue his care, and to thank the king for it,' was Clarges's motion, which I second.

Sir *Rob. Sawyer.* I take the act of Habeas [illegible] law will be shaken when you are gone, but to [illegible] already taken, and at present in pursuit.

Sir *Rd. Temple.* It is happy we have such a king, that is tender of our laws and liberties, and that will advise with his Great Council. I fear, those things offered you tend to more violation of that law than a Bill. The taking extraordinary Bail was as much a violation of your liberties as any, in the late king's time; and there is no way but to provide a short law [illegible] Corpus act. If it be required, in three days time they are to have their Habeas Corpus. [illegible] Advice, let us give him none against law. You [illegible] law; and that, in the mean time, he may go on to apprehend them.

Mr. *Hampden.* Some of the persons apprehended are sent to the Tower; and the king does not think that a Habeas Corpus does not lie there, and therefore sends you this Message. [illegible] been taken, but that he fled in the disguise of a footman's habit, and was stopped by a centry without order. I am of opinion, before you send up your Address, to have a vote for a Bill for the king to commit, without benefit of Ha-[illegible]

Mr. *Sacheverell.* The Message sent you is too weighty to determine on a sudden; but [illegible] those he suspects. I cannot consent to go any further, nor consent, on every great occasion, [illegible] it quite away; but to secure those whom the [illegible]

Sir *Wm. Pulteney.* Suppose persons come to a judge for a Habeas Corpus, what shall the [illegible] proceedings? So that necessarily you must [illegible]

Mr. *Finch.* This is a matter of great consequence: it is of absolute necessity, that those [illegible] sons attached, seeing they cannot immediately be delivered? I think it fit to thank the [illegible]

Sir *Christ. Musgrave.* I speak to the question [illegible] dress of Thanks to his majesty, &c. I find gentlemen of various opinions. I am for [illegible] else I know not how to give my Vote: I would have Thanks to the king for his gracious condescension in asking our Advice.

[illegible] Message, in desiring the Advice of [illegible]

Debate on the Bill for suspending the Ha-[illegible] Message from the king is of great consequence; and I am not for giving single Advice, but to [illegible] have cause to suspect, I think we may advise without encroachment upon the law.

Sir *Robert Clayton.* When you have taken [illegible] son? Had it not been for the Habeas Corpus [illegible] asunder, it might be difficult, but they are together. I would have this a temporary Bill for a short time, and not to be drawn into example.

Sir *Tho. Clarges.* I am for that motion for the king to apprehend suspected persons; but if you give your Advice, the king may do it without you. I would have such advice given, as may consist with the gravity of this house. As for to-morrow, though the Tests, &c. are to be taken; there is no danger in taking them after to-morrow: I would have that understood that you have no restraint upon you that may put it off. As to this suspending the Habeas Corpus bill, at present I am under great restraints of judgment, therefore I would have it duly debated, and, it may be, I shall be for a temporary Act.

Sir *John Lowther.* I think you are told by the learned persons 'that it is no question, but the king may secure these suspected persons, and that it is his power, and is supposed to be his duty, and the proper administration of the law.' I am not against adjourning the debate till to-morrow, but I would not increase jealousies in people, that you will not take the Tests. Those who advised the king to desire a temporary Act seem rather to confirm the Habeas Corpus act, than to weaken it. When you exercise the legislature authority in this emergency, it is no invading your law, but very necessary at present.

Mr. *Hampden.* The difficulty the king is in, [illegible] to release these persons, but what to [illegible] Your Advice is desired and what he should do in this difficulty. I think taking up men legally [illegible] do no man wrong. He asks your advice, and I think it is [illegible] the Habeas Corpus act. No man took more pains in it, nor values it more than I do. These men will go on conspiring [illegible] ap-pointed for taking the Oaths and Tests. Those gentlemen that refuse taking the Oaths and Tests, will sit very uneasily here. But if you [illegible] abroad. Therefore I move for a temporary Act, [illegible] Habeas Corpus.

Sir *Tho. Clarges.* I stand up to vindicate myself: I am as free as any body to take these Oaths. I desire to justify myself.

Ordered, "That a committee be appointed to draw up a temporary Bill, for impowering [illegible] do it. In what I say, I move for privilege of parliament; I would not have that suspicion extend to members of parliament. I think it [illegible] would have no members taken up, on suspicion of practising against the government; but when they shall be first adjudged criminal here.

Sir *Wm. Williams.* Consider the quick flight this Bill has made here; it was voted, [illegible]. As you have overruled your own Order, so I must not wonder at irregularities, but I hope you will be tender [illegible]

Sir *Edw. Seymour.* I spoke it now; if I am irregular, it is because I am going into the country with your leave, [illegible] not have opportunity to do it.

Sir *Tho. Lee.* I think the motion not irregular, [illegible] amendment; for if the Bill be once brought in, in parchment, at the last reading it must be laid aside if it cannot be mended at the table. I know it is a thing of great consequence for members to be taken out of this house. But the ancient right, in the case of the five Members in 1641 was, [illegible] ought to be so, as well in accusation of treason, as suspicion of treason.

Sir *Wm. Williams.* There is no privilege to any member in case of treason: that care [illegible] the government.

Sir *Rd. Temple.* No privilege to a member, &c. A member may be accused untruly, for the [illegible] to be true. In misdemeanor, or breach of the peace, a member is not [illegible]. It was the case of Lord [illegible] They [illegible] not to be [illegible] in time of parliament though the misdemeanor was great, and done in the court.

Sir *Tho. Clarges.* The Charge of the five Members was undoubtedly [illegible], but to be taken out of the house was a breach of privilege, [illegible] by king Ch. 1, to be a rash attempt. A man may make a motion for a Bill, in a thing unforeseen, and if it cannot be well done at the table, you may re-commit the Bill. I move therefore, [illegible] a Clause. You run the utmost hazard by bringing in a rider, which cannot be mended at the table, and so the thing may be utterly lost.

Sir *Rob. Howard.* A thing of so ordinary and plain a nature as this may be brought in [illegible] If necessary, three words do it, viz. 'Provided that it does not extend to privilege of parliament,' and I hope you intend it to those members [illegible] That the present Act shall continue till the 17th of April, and no longer, and agreed to. But a second in these words, "and is never to be "drawn into precedent or example hereafter," [illegible]

[illegible] which a Proviso being first inserted, That the [illegible] leges of parliament, or persons of the Members, [illegible]

Report from the Committee of Grievances.] [illegible]

"Resolved, 1. That it is the opinion of this committee, That the Rights of the city of [illegible] 1682, were invaded, and that such invasion was illegal, and a Grievance. 2. That the [illegible] against the city of London, is a Grievance. 3. [illegible] against the other cities, two universities, the [illegible] Surrender of Charters, to the violation of their [illegible] That the Commissions and Instructions for re[illegible] illegal, and Grievances. 5. That the promis[illegible] Tests, is a violation of the Rights of Parliament, and a Grievance. 6. That the Collect[illegible] Duties were determined; and the parliament [illegible] Grievance. 7. That the levying of Money, [illegible] contrary to law, are Grievances. 8. That the house be moved to appoint a particular Com[illegible]

[illegible] You have received a Report from the Committee in general: I would have some use of [illegible] We have a great example of the king; instead [illegible] so far from breaking your laws, that he has not so much as bowed them. I will wind all [illegible] close with it. I find all the Answers from [illegible] London, &c. 'that they were but ministerial [illegible] that, to make them originals, and a Bill of At[illegible] these [illegible] next is the murdering our Civil Rights in Cor[illegible] To proceed upon some actings in this, I would have a Select Committee. Let it go to what [illegible] Not but that I would have a Committee of [illegible] will find the parties and originals, or these [illegible] men, and murderers of our Liberties. 'No [illegible] tradesman dies, as a shoemaker, and another [illegible] lasts in the house, shall I believe a painter lived in the house? I would have these awls and lasts thrown out of the house. I would have a Select Committee to enquire into this, and then I hope you will have a good account of [illegible]

Sir *Tho. Clarges.* There are a great many Grievances more than this, as the illegal Ecclesiastical Commission; dispensing with the Oaths, &c. to the overthrow of all our laws; money levied by a charter upon Hackney [illegible] all your rights quickly. I wish the Committee, after the discovery of all these Grievances, [illegible] casioned them. Had they brought you in the [illegible] done something. I could wish these Grievances [illegible]

Sir *Rob. Clayton.* I would not hunt too [illegible] and there is the end of the thread. Pray en[illegible]

Sir *Edw. Seymour.* I am of opinion with [illegible] but if I be not misinformed, we owe that to the lower end, and not to the higher end, of [illegible] will be afraid to offend. When you have voted [illegible]

[illegible] to the lords for committing them, as a court, [illegible] court cannot commit originally. A learned [illegible]

Major Wildman. I would consider whether [illegible] nate, to overthrow the very foundations of [illegible] gone through their hands. I would have them in your power, for they have been guilty of the [illegible]

Sir Tho. Clarges. I will agree that Burton and [illegible] without hearing them? There is nothing expressed in the warrant of commitment of the cause of their commitment, and I think there [illegible] will come and inform you of a breach of pri[illegible] of the person that did it. Scarce a gentleman of this house that will not agree this to be a [illegible]

Mr. Paul Foley. I understand, a great [illegible] breach of privilege with men they intend to [illegible] point a committee to draw it up.

Sir Rd. Temple. It is strange that men who lie [illegible]

[illegible] would have a committee to draw up a charge [illegible] even a judge to break his oath, was judged [illegible] have impeached them, and I hope you will [illegible]

Sir Christ. Musgrave. It is your proper way to refer it to a committee, to examine the matter, and then bring the accusation; let the [illegible]

Resolved, "That a particular Committee [illegible] aforesaid; and who were the Authors and Advisers thereof."

Protest on the Bill for regulating Trials.] March 6. On the the 26th of Feb. a great [illegible] being put, Whether this Bill shall pass? It was [illegible] to any lords to enter their Dissents; and ac[illegible] 2. Because this sets the Honour of the Peers and the Commons upon an equal foot. 3. [illegible] be heard at the bar of this house will not be so [illegible] the Commons: the Statute *de Scandalis Mag*[illegible] Because it will be, in some sort, a mark of [illegible] tain feuds and animosities amongst the Peers. 7. Because, at this time, it is unreasonable, [illegible] that have been in this house. 8. Because the [illegible]

(Signed) Delawarr, North and Grey, Kingston, Lindsey, G. C. Craven, Northampton, [illegible]

[illegible]

"My lords and gentlemen; If any thing could add to the esteem and affection I have [illegible] would be much encreased by the kindness you [illegible] public good in the Address you have made, which in the matter, as well as the manner, hath every thing in it that ought to recommend it to me.—I assure you I will never abuse the confidence that you shall put in me; being fully persuaded, that there is no sure foundation of a good agreement between a king and his people but a mutual trust: when that is once broken, a government is half dissolved: it shall, therefore, be my chief care never to give any parliament cause to distrust me; and the best method I can use for that purpose is [illegible] since it is your desire that I am in this station, I shall pursue the same ends that brought me. [illegible] mental to redeem you from the ills you feared, and it is still my desire, as well as my duty, to preserve your Religion, Laws, and Liberties, [illegible] me into England, and to these I ascribe the blessings that have attended this undertaking. —When I spoke last to you, I told you of the necessity of assisting our Allies, and more espe- [illegible] needs no other argument to move you to the consideration of it.—As I was then a witness of their zeal and affection to promote the Expedition, and second my endeavours, even with a neglect of their own safety; so I am now [illegible] not easily to be imagined, and I am confident your generosity will have as little bounds towards them, as theirs had towards you: and [illegible] have actually laid out upon this occasion, of which an Account shall be given to you; but that you will farther support them to the ut- [illegible] interest and their religion, and do certainly [illegible] destruction.—I need not take pains to tell you [illegible] ment they have from France, is brought to [illegible] less than 20,000 horse and foot; which by the blessing of God, will make the work shorter, [illegible] speedy and effectual Success in relation to Ireland, as well as with a regard to France, there must be such a Fleet as may, in conjunction [illegible] ters of the Sea that nothing can be sent from France either to Ireland, or any where else, [illegible] —I must also recommend the Consideration of the Revenue to you, that it may be so settled, as that it may be collected without dispute.—My Lords and Gentlemen; These things will amount to a great sum, and must of consequence be a present weight upon the people; but, considering that neither your Religion, nor [illegible] these means, I conclude you will think nothing can be too great a price for their preservation: and I will engage my solemn word to you, that [illegible] ends shall be strictly applied to them; and that as you so freely offer to hazard all that is dear to you, so I shall as freely expose myself [illegible] the Protestant Religion, and the safety and honour of the nation."

Debate on a Motion for printing the Votes.] March 9. Sir *Tho. Lee.* In the Roll of the 9th Hen. 4, 'Nothing is to be taken notice of in Parliament, but what you shall communicate to the king.' I know not how the king may take notice of what you do, and if you print [illegible] the same. It will only save the gentlemen the trouble of writing to their corporations.

Sir *Henry Capel.* You are told of the 9th Hen. 4. At that time, there were no Coffee-Houses, and no printing. If you could keep [illegible] news. Treaties are made public amongst princes, and it is no good thing to make secrets of that which is known. The world ought to know your Votes, and there is no harm in it. As to what is said, 'that the king will concern [illegible] open, and so are ours. I think we make more of this than it is worth. I would have them printed.

Sir *Joseph Tredenham.* I cannot be persuaded that any thing now, or heretofore, has [illegible] but extremely to your disservice. I appeal how it is for your honour to make a Resolution in your Journal not to print your Votes, and now to make a contradiction in your Journal, to print them. Unless the cause of that con- [illegible] sels of little value abroad in the world. That you should alter your Resolutions weakly is not [illegible] three times, but for the more safety of your proceedings? Whether it is for the honour and credit of the house to vary Resolutions, I appeal to you. Those rules and measures our ancestors left us, are the safest way. The [illegible] way of passing Bills [illegible] the king [illegible] what he pleased. When the king [illegible] here, [illegible] your liberty of Speech, and [illegible] your Freedom of Debates? It is contrary to the course of nature here, to make a general publication of what you do, before you make it in course of parliament. As for sending your Votes to Coffee-houses, it is a great crime; it is more for the service of the house [illegible] Coffee-houses, and not for your honour not to print them.

Mr. *Hampden.* I see gentlemen ready to put the question, when they think a man is against it. The question is, Whether you print your Votes? I am sorry this question is stirred again. I remember it at the Oxford parliament. [illegible] the wheels [illegible] I know that printing your Votes sounded well abroad, and it seems a popular thing. [illegible] but the people [illegible] rather hear our Reasons than our Votes, and no more. I have seen a Vote in a full house, at six or seven o'clock at night; the tide would not be stemmed, but there was a Vote passed; and when they thought better on it the next day, that Vote was unvoted again; whilst this [illegible] the people should know what you do? No ordinary council does it. The lords have not done it. Should you desire their concurrence to print their Votes, they will laugh at it, and [illegible] Records. [illegible] Proceedings of Parliament; but they will see no reasons for them. Bills are not written in paragraphs, but all of a piece, and there is a reason [illegible] in it. If you print your Votes, consider what it is. There may be an inconvenience of intercourse; the lords against our privilege, and [illegible] What have you to do with it? If you print it, will it not be a strange Message, that the [illegible] not any thing against the crown; and of what [illegible] end in this but regularity and decency. I have [illegible] for you. I hope you will not print your Votes.

Sir R[illegible]. It is matter [illegible] from it. I dislike all innovations. In [illegible] reason: there ought to be no innovation. All [illegible] Coffee-houses, and for beyond sea. I saw, at Oxford Parliament, another thing gained, upon [illegible] country about the Exclusion Bill. I hope we shall not imitate Holland, to go to our principals for Instructions; it may be of dangerous consequence to alter the government. I hear [illegible] advanced in a Bill, and then reject it, and the [illegible] redressed; but it is far less inconvenience than [illegible] yourselves with approbation: I never heard any good reason for it, nor any good success of it when done. It will prove a levity without [illegible] already [illegible], and your Reasons not known.

Sir *Tho. Littleton.* I am for printing your Votes, and I see no inconvenience by it; it will be great if you do not print them. England [illegible] the truth of what you do; and it is fit England [illegible] now under a king that preserves our liberties, and there is no reason but the people should [illegible] this house. Such a union may have great influence both abroad and at home. I am for [illegible].

Mr. *Arnold.* I would not have L'Estrange and News-Papers write false news beyond sea. I desire the truth may be known, and am for printing them.

Sir *Rob. Howard.* Methinks the debate is, Whether [illegible] permit it by an unjustifiable way, than a justifiable. If you will keep your Books secret, perhaps I shall be for that; but if you suffer [illegible] printing the honester and juster way? If [illegible] or not, I have my opinion: I know not the [illegible] Votes are fit that the world should presently see; but [illegible] I shall reserve my thoughts; but whether you will print them is much the more justifiable way.

[illegible] of the question. Notwithstanding all I have [illegible] then I shall be for it. As for precedents abroad, I shall not take my measures from [illegible] tion: they are a Commonwealth, and we under a monarchy. There every man has a share in [illegible] will not appear with your Votes; and the peo- [illegible] contradictions. You will arm your enemies [illegible]

[illegible] kinds; some are unfit to be published. You have criminals come before you; it is unfitting their accusation should be published, and un- [illegible]

[illegible] you can; but I think, if you print your Votes, [illegible] fit they should be known; but when they are [illegible] your liberty of debate, and is a disservice to [illegible]

Col. *Birch.* I humbly tell you, I am hear- [illegible] to see the consequence; it will reflect every way; it will let the world see you are subject [illegible] on one thing, another day, you reject it, and [illegible] the Solicitor General's place in king James's [illegible] say, for satisfaction to myself: I would not [illegible] haps the Book of Rates may save our lands, [illegible]

Mr. *Sacheverell.* I was against printing your Votes formerly, and am so still. I think certainly, it will destroy all good correspondence [illegible] lords sent down a Bill for the speedy Conviction of the Popish Recusants. This house passed a Vote, that the Bill should be rejected. [illegible] a bill was rejected? You went an extraordi- [illegible] it; and you send into the country to subject [illegible] by the house; and you, by printing, go about [illegible] dition, and I cannot agree to printing.

[illegible] be printed accordingly; the previous question was put, that That question be now put: the [illegible]

[illegible] The house resolved into a grand committee on [illegible]

Sir *John Guise.* There are three points [illegible] they have done for us, which we ought to be mighty sensible of, and touched with: and gratitude becomes us. The danger for their [illegible] consideration of Ireland: I would willingly [illegible] peace. The next is the Revenue, of which I [illegible] you may consider, whether it shall be settled [illegible] term of years. Some, the other day, thought [illegible] it may be collected without dispute, and an [illegible] cancy; and if the State of the Revenue be ready, I would have it delivered in by sir Ro- [illegible]

Sir *Tho. Clarges.* I would have the redundancy of the Crown Revenue, after the Go- [illegible] sired in the king's Speech; I mean, take the [illegible] position is, whether the Committee will take the Revenue as given in, or as I have reported it. I humbly propose, whether you will grant it for life, or years? I leave it to you.

Mr. *Garroway.* The Paper I have come by agrees with Clarges's account; but I think [illegible] upon the Revenue, shall continue? Begin [illegible] and in that I shall [illegible]

Mr. *Sacheverell.* I take it, the Revenue ceases; it is *rasa tabula*; and I would have a short Bill to declare it so. Then you may declare such a part hereditary; but I shall be against a great Revenue, as in former time. If all may begin anew, I am ready to agree.

Sir *Robert Cotton.* If you declare all the Revenue fallen with king James, consider that [illegible] since the abdication.

Sir *Tho. Lee.* I hope you may have a shorter way. I remember, when the debate was [illegible] the Revenue discontinued; the Hereditary Revenue was in another condition; but the house avoided that question, and referred it to a committee. The hereditary part of the Excise is not above 300,000*l.* per ann. granting it to be in the king and his successors from such a day from the time you have declared the [illegible]

Col. *Birch.* I think the parliament were very prudent in 1661. The case was then [illegible] posed to cease, and many, in London and elsewhere, hesitated the payment. You will not find it in your Journal, but in another place; and they declared, that it should be collected as legally as it was, for about six weeks, by reason that, in the mean time, they might settle it as now it is. Pass therefore a question, that [illegible] have been, &c. till farther consideration be had of it. In short, the country do generally hesitate, and keep all in their hands except [illegible] tion, that the Money may come in to the respective offices; and I would now order a Bill [illegible]

Mr. *Garroway.* I think you are not yet [illegible] tied up, by such a Vote, before you determine whether it be a standing Revenue, or an Aid? We know the burden of it, if you had, in Ch. 1's, Ch. 2's, and James 2's time declared it so: you will have a hard task to alter it, without declaring it now to alter it hereafter. Declare it, one part as Revenue, the other as an Aid and Supply; otherwise I shall be [illegible]

[illegible] *sel's Attainder.*] A Bill, from the lords, for [illegible] tainder, interposed in the debate; and was [illegible]

Mr. *Finch.* I see many gentlemen's eyes are upon me; therefore I stand up to give an [illegible] my reasons for the part I acted in [illegible] nation of this house. I am sure, my motion is for reading the Bill a second time. I stand up only for one Clause in the Bill. Every gentleman knows, as well as myself, that a conspiracy to levy war against the king, is treason, [illegible] cate myself; what I shall offer will be very short; the reasons I had to urge that point of treason: if law-books have led me in the wrong, I am ready to rectify my opinion, whe- [illegible] in custody till such things be done. It is to [illegible] a foreign prince to invade the kingdom, though nothing followed upon it. It was treason in [illegible] Judges, in the Report 'Conspiracy to levy [illegible] the life of the king.' To throw upon all inclosures generally all over the kingdom, was the case of the Miller of Oxfordshire, who was [illegible] stands in books. Any general design (though [illegible] king, all the Judges declared it treason. Having said this, it is authority enough for any lawyer to do what I did. Whether the Judges were in the wrong, I shall not determine.—He was [illegible]

[illegible] when nobody accuses him, and thereby to arraign the justice of the Bill for repealing the [illegible] is not to be suffered.

[illegible] his own vindication in the part he acted relating to this noble lord, has let himself into [illegible]

Mr. *Finch.* I ask pardon of the house. What I said was not against order, since the [illegible] from arraigning this noble person; I did not intend it, and have as much respect for this noble family as any body. And now I have [illegible] ter of law, I desire the Bill may be read a [illegible]

[illegible] this gentleman did speak; and to vindicate the memory of this noble lord, read the Bill [illegible] his proceedings, &c. which is properly at a second reading. I am surprized at this gen- [illegible]

[illegible]

[illegible] intent of that statute; and I would have it [illegible]

Sir Tho. Clarges. I think the Bill is care-[illegible]

Sir Tho. Lee. If there be no objection against the Bill [illegible]

Sir [illegible] [illegible] the Bill was ordered to be committed.

Farther Debate on the King's Revenue.

Mr P[illegible]. [illegible] power to levy the Revenue, and now

[illegible] in the pay-ment.

Sir John Lowther. [illegible] of Customs, to bring [illegible] their interest—

Sir Christ. Musgrave. [illegible] I take notice of it.

Sir John Lowther. What I said of Money, I [illegible]. There have been [illegible] Money, [illegible] will make [illegible] the [illegible] part of the House of commons will understand this, though the [illegible] not.

Sir Tho. Clarges. I am sorry that, at this [illegible] has been ex-[illegible] here, [illegible]

Sir Wm. Williams. In the last parliament, [illegible] fellow, [illegible] now a Parliament of Officers. We represent [illegible] And I represent the weak. It is not the work of weak men, to declare a present Provision [illegible]

Sir *John Lowther.* I was mistaken in not giving the Revenue for three months, but only [illegible] what Revenue [illegible]— a safe, wise, and a sudden Resolve! The king did distinguish betwixt the Collection of the Revenue and the Settlement. I would declare [illegible]

Sir *Rd. Temple.* I would have all arguments forborne of distrust betwixt the king and us. I am very far from desiring the short Bill to be brought in for delay of Settlement of the Re[illegible] be brought in for all the Revenue, on a sudden? I would make no distinction in the Bill of what is continued and what not. Not by way of grant.

Sir *Rob. Howard.* I speak not for the poor or [illegible] house. I have no office, but in some offices I [illegible] upon Williams]. By the way, I would show by a motion to continue the Grand Committee, and to proceed on the Settlement of the Re[illegible]

Mr. *Boscawen.* According to course of par[illegible] accept it, the Answer is, 'Grandmercie ses bons sujets,' &c. If this be no Grant, what Answer shall the king give to this Bill? If as a Grant of Subsidy, the king thanks for it. There is not so much danger in the fault of collecting it as going this way. I am of opi[illegible] mons to strengthen it for the present. I shall agree to it, but it is an ill expedient, and you [illegible] out of it.

Mr. *Eyre.* If this be determined, you arrive not at your end. I see, in this matter of the Revenue, [illegible] goes as is proposed, you do less than nothing, [illegible] friends. Therefore I propose a Vote, that you grant the king a Revenue for Life of 1,200,000*l.* per ann. made up of such *items* as in the particular, &c. A great Revenue has been a great G[illegible] than we had put in their hands. Such a Re[illegible] the kingdom. And while this is the standard, it can have no oppression; and less than this [illegible] the spareable part will be treasured up for the [illegible]

Sir *Tho. Littleton.* It has been well moved a great while since, and I wonder at no conclusion upon it. To settle it for three months is the most acceptable and expeditious thing you can do. The king does not expect that [illegible] fore that the king may be in no inconvenience, [illegible] from a distrust, that it is kindly and gratefully done by the people, and the king will take it [illegible]

Mr. [illegible] give him the Revenue, and the hearts of the [illegible]

Mr. *Pollexfen.* If you say, 'I will not give [illegible] given,' this will raise all the jealousy and shame upon us imaginable abroad.

Sir *Henry Capel.* It is not the intention of any man here to give the king the Revenue [illegible] thing. We are beholden to those gentlemen who put us in this method at first. The Book [illegible] know; there are complaints of the ill administration of them; now is the time to correct it. I speak it to the honour of the gentleman [illegible] delay in the thing. Then you will see the [illegible] It is not a time to name the Revenue now; it is [illegible] nue is, or is not sunk; but continue the Re[illegible] for support of the crown, and all will agree to it.

Sir *John Holt.* For time to consider the Revenue, I do not oppose it, but as to the hereditary part of the Revenue, if that be de[illegible] Act. Some are of opinion that it is determined, but I have not heard one reason for it. If the [illegible] office of king William and queen Mary; it continues, and stands in no need of a temporary act of parliament.

Mr. [illegible] venue granted the crown, upon a valuable consideration, instead of the Court of Wards, [illegible]

Sir *Tho. Lee.* I am indifferent whether you put it on the hereditary, or temporary Revenue. [illegible] but let them go on to collect the Revenue. The hereditary Revenue is so little, that, I believe, the house will supply it; the reason why [illegible]

[illegible]

Mr. *Hampden*, jun. You have made a Vote [illegible] conduct, and they have brought a great Charge [illegible] what to propose; but I humbly offer what has [illegible] may have a Scheme or short State of the War [illegible] vered us, and eased us from a Tax so burden- [illegible]

Sir *Rd. Temple.* You are upon a method to [illegible] Expence of the Dutch; and next, to assist the [illegible] charge of it by computation given in; then, [illegible] king tells us, for Ireland it will require 20,000 [illegible] to a computation brought in to us, but what we shall judge of it.

[illegible] as the kingdom can bear it. I would consider [illegible] make a retribution to the States of Holland, [illegible] done our work. I move for a sum not exceed- [illegible] not so hearty a union abroad, as I could wish, though I am glad to see it in this house; but I fear there is an intention to undermine us [illegible] and I believe the whole about 6 or 700,000*l.* If you voluntarily give the Dutch such a sum, without casting it up to a penny or two pence, [illegible] may do it on this, that if we do support Al- [illegible] 20,000 men being the number given in; if we [illegible]

Mr. *Harbord.* The king, in his great pru- [illegible] an Account in general; accordingly the Secretary of the Admiralty made a computation of the charge. I have it in my hand. The king [illegible]

[illegible]

[illegible] that will not be perfect till to-morrow.

[illegible] we know not the value of them. I would have [illegible] of the Government? [illegible]

Mr. Harbord. It is said, 'it is not reasonable [illegible] them; they had the money, and the prince has bought them for ever; and it is not reasonable [illegible] months expedition only. I told the king, it [illegible] fore (says the king) I desire 200,000*l.* down, [illegible] next Spring;' but there will not be so much [illegible] If the king of France, by fair or foul means, makes peace [illegible] among the Dutch, and says, 'I have seized [illegible] emperor,' [illegible] Says the king, 'Let the world see you take Holland into your arms, their spirits will rise, [illegible] 'Give us but this credit, if your fleet is not [illegible]' but as for the Revenue, it cannot be computed; the Customs, by reason of the French goods, &c. fall to nothing.

Sir Tho. Clarges. I am ready to give the States of Holland all the returns of thanks for [illegible] extremity, and would have a union of coalition to support them, and ourselves; but I would consider what condition we are in. Says Harbord, 'they are ready to go into a war with France, [illegible] Revenue then.' But consider, if the Excise be certain, if the Customs do fall, we may aid the king from [illegible] not upon part of the obligation to Holland? I do say, besides all the uncertainty, there is [illegible] upon the rest for taking money up upon secu[illegible]

Mr. Papillon. Eleven guilders is 10*s.* sterling [illegible]

Mr. Howe. There were reflections abroad on our proceedings yesterday. I would [illegible] believe [illegible]

[illegible] away, [illegible] the [illegible] as some would have made him [illegible] no longer laid upon us; and name a sum of Money [illegible]

Mr. H[illegible] motion made. I would not have Mr. Hampden [illegible] the house for a Supply for the Dutch, according to [illegible]

Mr. H[illegible] never makes a motion for a sum: that is made in the house.

Mr. Godolphin. The gentleman over the way was upon a topic to induce the house to give Money, &c. which was from the French king's tampering in Holland, &c. I was in Holland when this house was zealous for an actual war with France, and then a peace was privately treated with France; which we [illegible] present now. If we cannot reduce Ireland, unless we secure Holland, that must be your first step. I move therefore, that the king be addressed to make a stricter Alliance with the States, and invite the emperor into it, for common security against France.

Mr. [illegible] more for this Expedition [illegible] has cost the Dutch, let us not enter into particulars; it will more [illegible] examining them. The interest of the king puts us upon embracing the Dutch; if we show coldness, or [illegible] what will the [illegible] for what they have done for us. I know no king, but the French king, that can hurt us, and con[illegible]

Mr. [illegible] is, 'To give the king a Supply, to enable him [illegible] you the king had examined it; and I believe [illegible]

Sir Tho. Lee. I confess, I know not how to [illegible] if we come not to a sudden Resolution in this, we are undone; but possibly this nation and

Holland will not be lost for one night's consideration. I have seen money granted here [illegible] such that we must break order, as formerly in [illegible].

Mr. *Howe.* When I heard Lee move, I looked to see what o'clock it was. I would leave [illegible]

Sir *Wm. Williams.* I can fast as well as Howe, but I cannot pray so well.

[illegible]

Mr. *Howe.* I protest, I do not accuse Williams [illegible]

The debate was adjourned to the following day; when it was resolved, "That 600,000*l.* [illegible]"

[illegible] Dumbarton's regiment, which is now marshal Schomberg's, with the grenadiers and some [illegible] Ipswich, and have made Proclamation for king James [illegible] Harwich; they say, they will declare with them. [illegible] and how many will join them I do not know.

[illegible] has been reported, certainly I believe there is more than ordinary in these things. I have received a letter from the mayor of Rippon, of some Papists, to the same effect; that the Papists are very high, ride in numbers, and have cabals. Therefore I think it fit that you secure your sitting here, and that the Government [illegible]

Mr. *Harbord.* I hear, by letters from Norwich, 'that a Papist was seen by several to go into a house, and immediately the house was on fire, and he got to a place to have the prospect of it.' The person is examined and secured.

Mr. *Howe.* When we look before us, and see these things, there is a fault somewhere. I [illegible] mand; and would address the king that some [illegible] I know not which else to trust.

[illegible] pursue them with a sufficient force of horse [illegible] mit to the king's mercy; and the only punishment [illegible]

Sir *Rd. Temple.* You see the present con[illegible] I know not what to advise you, unless an Ad[illegible] with the Papists; and I would have a Bill, 'That, if any person shall write, speak, or de[illegible] to trial.'

Col. *Birch.* This is no jesting business; [illegible] 600 that were quartered at Brentford, and went away with their arms; and I believed they would come to the rest. This is not done without conduct; and you will have an army in a few days. I would address the king, 'That some foot and horse of the king's own, [illegible]' and I hope, without a Bill, to dispatch these [illegible].

Mr. *Hampden.* For the nature of the thing, I shall state the case; you need not be long resolving. I believe this an actual levying war by 25 Edw. 3. You cannot have counsel here that will be difficult. Do you but resolve this to be treason, and if king William [illegible] treason; and correspondence, upon levying war, is treason, I believe. I would apply to the king to take some course in this, and that you will assist him.

Sir *Wm. Williams.* No doubt this is an actual levying war. Since you have acknowledged king William and queen Mary to be king and queen, whoever does adhere to the king's enemies, in or out of the kingdom, it is treason; so you need not make a law for it *ex post facto*, but it is provided by your old law to be treason; for they are king and queen *de facto*; and that law is a safe foundation for [illegible] resolution of this house, that they have committed treason, and so bring them to a speedy judgment, and thus the people will go along [illegible].

Sir *George Treby.* In this, I observe one thing, that it is good we have a king, for if we had had no king, nor parliament sitting, since they are so insolent in the face of the king and [illegible] nation had wanted one of them? In this crisis, [illegible] treason? Your declaring it to be treason will weaken it, as if it were a doubt. I confess, I [illegible] (with great respect) I think this house not proper for military men's advice. We must [illegible] force with force, and maintain in the field [illegible] Therefore I move that the lord lieutenancies [illegible] dom may be, and we sit in safety. I think all [illegible] profession useless in such a case.

Sir *Robert C[illegible]*. The wonder [illegible] is, that we have not heard one word of the trumpeters of these disorders. They cannot [illegible] Newgate [illegible] nothing [illegible] to stop these pro[illegible]

Col. *Mildmay*. It is generally believed that [illegible] barely alone, but that it is universal; and, as for those trumpeters, who have forborne praying for king W[illegible] and queen M[illegible] to hear it prayed, the question is, which is the best way to prevent this? It is said, 'What is done in so great an assembly will not be long a secret.' I think this proper in the king's council to whom you have given the government. The militia of England is a great body, 150,000 men, that serve you gratis; they bear their own charges, and you are safe in them. This being delayed (with some other things which have been too long) I cannot wonder now at the circumstances we are under: I [illegible] that we are so well, than so ill. I would recommend it to the king to settle the Militia, and especially that of London. As for the Money, I doubt not that you will lose any time. In the mean time, I would have letters to the sheriffs to stop them in their march.

Sir *Henry Capel*. I think you are ripe for a question. It is plain from what I have learnt from the robe that this is treason. Corresponding with the king's enemies is treason. I hope in time, that care will be taken that this [illegible] taken care of and it will be mended. I would apply to the king for a Proclamation against these men.

Major *Wildman*. I have heard sad news, and many things have been well proposed; but [illegible] these men it is proper to leave to the king: but we ought to represent it to the king; and now we see so great a boil broke out, [illegible] It is our duty to inform the king what we hear from all parts. I must inform the house that I have letters every day of the ill condition of the soldiers in their quarters; at Newbury, Abingdon, and other places, they would not suffer the cryer, or bell-man, to say, 'God bless king William and queen Mary!' There are papers cast about, to fright people with [illegible] of the government, with [illegible]; hundreds of these are dispersed; I have received some. The disease is so great, [illegible] I know not what to propose, but it is proper for this house to give the king the best information we can of the officers who [illegible] at these things. I offer to the house to address the king to take a special care of the places where the late king's soldiers are quartered, [illegible] that the officers prevent disorders, and to be only assured of his officers, [illegible]

Mr. *Hampden*. I offer it, notwithstanding the opinion of the learned gent., as I am not [illegible] to declare this Desertion [illegible] to be within the 25th of Edw. 3? Soldiers deserting and corresponding with the king's enemies to be treason? You must speak out and say, this is high treason, and this will put an end to it, and men will be afraid to countenance it; and go to the lords, that, by your [illegible] king [illegible] Proclamation to inforce the law, as your advice, as [illegible]

[illegible] At the same time when you advise the Proclamation, consider the occasion, and then the proper remedies, that [illegible] and therefore I would put men out of doubt, and make as many friends as we can. Therefore I move, that whether, as you made a strict [illegible] as well be an Act of O[illegible] time, and, at the same time, that you address the king to proclaim his pardon to such as [illegible] surrender themselves, and return to their obedience and duty.

Sir *R[illegible] H[illegible]*. The lords and commons addressing the king makes the Proclamation [illegible] greater [illegible] and as for the Ob[illegible] to be put in, it looks as if you were afraid, and is a kind of seconding these men in their rebellion, and all this will look little less than an [illegible]—An Address was [illegible]

Resolved, nem. con. "That an Address be presented to his Majesty to desire [illegible] to suppress the S[illegible] now in Rebellion, and to issue his Proclamation to declare them, and [illegible] to them, to be Rebels and Traitors." And the same day, the said Address being drawn and approved of, was, with the concurrence of the lords, presented to the king at Hampton-court, who was pleased to return the following Answer:

"That he should be very ready and careful to give such orders, as the lords and commons should desire; and that he had already appointed three regiments of dragoons, with orders to stop them and bring them to their duty; and, if they will not submit, to fall upon them: and that he would send immediate directions to his Attorney-General, to prepare a Proclamation, according to the desire of both houses, in the Address."

Debate on the Bill for disarming Papists.] M[illegible] Sir [illegible] W[illegible] to the [illegible] it occasions their insolence. I think it is fit [illegible] these that [illegible] bring all their [illegible]

[illegible] houses, to officers appointed. It is not our [illegible] mons, nor our being hot here, that will do it. I would not imitate their cruelty; I am far from it. I would let them have their religion in their [illegible] hope I have done my duty.

Col. *Birch.* I think Maynard's is an excellent [illegible] upon this motion of Maynard's, I would refer it to the same committee for the lords Bill, and [illegible]

[illegible] vict them, you cannot disarm them. I would have a clause for it in the Bill.

[illegible] a hand in firing houses, he should be compelled [illegible] penalties as the law shall direct; in the mean [illegible]

The *Speaker.* I would not have this without effect, which, I apprehend, it will be unless [illegible] town, nor deliver their arms. Unless actually convicted, you cannot know a Papist, and you [illegible]

Serj. *Maynard.* What you say is true, but [illegible]

[illegible] not give them encouragement by a *brutum fulmen.* I will not contradict Maynard in point of law; I know not who are Papists. He must be a legal Papist, else he is not within the [illegible] What law [illegible] his horses? There you make a law clearly. I would not have gentlemen think that I believe [illegible] horses, that are fit for warlike service, either [illegible] the parliament now sitting; and we are told we must make an Act to do it. I confess this is new; I never heard it in a Proclamation before. If you advise the king this, he will say, 'see you advise me according to law;' he will order his counsel learned to draw it up; but they will say, it is not according to law. It is a hard [illegible] I am mistaken. But you may have a law to [illegible] it presently executed by justices of the peace, when they are named. Something must be [illegible] will have a short law for convicting them, I [illegible]

[illegible] with Proclamations. I would have the king [illegible] to suspect.

Col. *Birch.* I would not have this morning's debate lost, but have some fruits of it. I humbly desire that a committee may sit, and, [illegible]

Sir *Rd. Temple.* I doubt that Bill will not [illegible]

Resolved, "That a Bill be brought in for [illegible]

[illegible] majesty gave the royal assent to 'The Bill for [illegible] 'to annul the Attainder of lord Russel:' and [illegible]

"My lords and gentlemen; Now I have the [illegible] I shall put you in mind of one thing, which will conduce much to our Settlement, as a Settle[illegible] mies.—I am with all the expedition I can, fill[illegible] Places of trust, by this Revolution. I know you are sensible there is a necessity of some [illegible] sons to be admitted to such Places. I recom[illegible] ciently provide against Papists, so, I hope, you [illegible] This conjunction in my service, will tend to [illegible]"

Debate on the Bill for the Regulation of Trials.] March 20. A Bill, from the lords, for the Regulation of Trials, was read the first [illegible]

Sir *Tho. Lee.* If I had not once seen a Bill of this nature laid on the table, and passed in an afternoon, I should not be against letting it lie on the table. Lord Clarendon's Bill of Banishment was passed a month after the Im[illegible] most convenient for him; which then I thought of dangerous consequence. It is my opinion that this Bill be thrown out; notwithstanding the good Clauses in it, it may be done for me and [illegible] ance are dangerous, they are usually thrown out upon the first reading. I would have all things in this parliament of a piece. You thought good for the present emergency to part with the Habeas Corpus act for a time, [illegible] James 2? I shall never think it for the peace [illegible] here is a number of peers of the last parlia- [illegible] to be absent: if 45 appear, and 20 are excepted against, there can be no trial. It was [illegible] down a Bill of this nature, 'that unless the lords were under the common safety of others, [illegible] their debates, they were in danger.' Is this a [illegible] this happy change? Were it for nothing else, [illegible] beneficial to the lords. 'In Indictments for Treason, (the Bill tells us) we shall have counsel,' and it is for able Juries; is it not as well for the lords as us? For they must [illegible] tried in Appeals by common juries. The Bill is abundantly less beneficial to the commons [illegible]

[illegible] that the lords ought to have fair Trials. Whenever the crown has a displeasure to a noble [illegible] son, and a high steward may be appointed, and seven of the summoned lords to try him [illegible] differ with the lords? This is a time, when you [illegible] out of danger. Some clauses relating to the commons are inestimable, as 'that a Juryman [illegible] commoner;' and, 'that counsel shall be al- [illegible] lost his life, if he had had counsel allowed him. [illegible] saved the life of many a person. I hope you [illegible] danger. A commoner may exempt peremp- [illegible] against 35 jurors. I would have a good [illegible]

Sir Wm. Williams. I have a great honour [illegible] commons, but to the crown too. There is a [illegible] provides (as the Bill is penned) 'that all manner of crimes may be tried by the peers.' [illegible] Trials of 'capital crimes,' yet the body of the bill is 'all Trials.'—All peers are on their Honour; and you alter the very constitution of the kingdom. It may so fall out that the num- [illegible] quires, and so there may be a failure of justice. [illegible] be a number of peers, that may judge against [illegible] miscarried upon the ancient way of Trial? if [illegible] example of this ancient way of Trial—but there being none, why should you alter the law for a bare suspicion only? In James 2's [illegible] The peers are most of a blood, (the ancient peers) and so a commoner can have no fair trial against a peer, and they have already more privileges than the commons. You, by [illegible] the power of the king, nor the commons, to bring a peer to justice. The commons are straitened, and the crown is straitened. How [illegible] magnatum! Commoners have had 20,000*l.* verdict against them; and a peer thinks him- [illegible] demands. I would rather provide against these things. If the lords will set a limitation to Scandalum magnatum; (it may lie 20 years, [illegible] agree that no words shall be scandal, but [illegible] moner against a commoner—Suppose a commoner say, 'He cares for a peer no more than a dog,' though a peer call me rogue and rascal—Let the lords frame a fair Bill, and we will pass it. If they will have ceremony, we will compliment them, and stand bare in their lobby, and the Painted Chamber, at conference; but matter of right we shall dispute.

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* "In 1685, 'for conspiring with other false traitors (Monmouth, &c.) to raise a Rebellion, depose and put to death the late king, &c.' [illegible] death; but by applying properly made a shift to obtain a pardon; which sir John Reresby celebrates as a signal act of grace, because that lord had formerly been condemned for breaking a boy's neck in his cups, and had [illegible]

† Lord Delamere's charge was 'for being [illegible]'

[illegible] a handle.

[illegible] against it. I think the Bill is rather descending [illegible] magnatum added to the bill may be of use. [illegible]

Mr. *Hampden.* I am not for throwing out the Bill, nor for a second reading of it. Let it lie upon the table. I hear an instance of pass- [illegible] don's friends were for passing it. A relation of Clarendon's for not passing it was at a dis- [illegible] second reading, for I do not know the parts of [illegible] matter this session. I would read it a second time in a full house.

Mr. *Finch.* I am for letting the Bill lie upon the table, and so be read in a full house. The objection for throwing it out is, because [illegible] moners, which is no objection. The number objected of the peers, 'that they may be so- [illegible]' they may [illegible] appear too.

[illegible] table, and order it no second reading, I never saw. The proper question is, 'Whether you will read it a second time.'

Sir *Christ. Musgrave.* The natural question is, 'Whether you will read it a second time.' The reason why you let the Bill lie upon the table, after you have read it, is, you are [illegible] I would have a question that every body may be gratified in. I would adjourn the debate.—The [illegible]

[illegible]

	£.	s.	d.
Gross Excise of Beer, Ale, Cyder, Metheglin, Strong-waters, Coffee, &c.	627,523	18	8¼
[illegible] and Cyder, imported	48,491	3	8¾
	676,015	2	4¼
Per Contra.			
Charges of Management	86,263	11	0¼
Exported Beer, &c.	1,138	11	5¾
Arrears	3,721	5	4¼
Neat Produce	[illegible]	[illegible]	[illegible]
	676,015	2	4¼

[illegible]

	£.	s.	d.
[illegible] waters, Coffee, &c.	638,993	11	9¾
[illegible] and Cyder, imported	33,741	3	10¼
	[illegible]		
Per Contra.			
Charges of Management	85,852	14	6
Exported Beer, &c.	630	16	0¼
Arrears	2,128	9	3½
Neat Produce	584,133	2	10¾
	[illegible]		

[illegible]

[illegible] water, Coffee, &c.	676,866	10	7½
[illegible] and Cyder, imported	41,385	10	2
	718,252	0	9½
Per Contra.			
Charges of Management	87,130	9	11¼
Allowance for Overcharge	5	4	2½
Arrears	[illegible]	11	[illegible]
Neat Produce	635,891	1	7½
	718,252	0	9½

Year ended [illegible]

Gross Excise of Beer, Ale, Cyder, Metheglin, Strong-waters, Coffee, &c.	682,172	9	3¼
Gross Excise of Brandy, Mum and Cyder, imported	50,146	9	1
	73[illegible]		
Per Contra.			
Charges of Management	88,639	15	9¼
Allowance for Overcharge	30	4	10¾
Arrears	7,290	4	11½
Neat Produce	636,358	12	8½
	[illegible]		

[illegible] Brandy and Strong-waters, which began the 1st of July, 1685, is not included in these Accounts; which doth amount to 45,000*l.* per ann.

The gross and neat PRODUCE of the addi- [illegible] 1685, at which time it first began, to the [illegible]

[illegible]

	£.	s.	d.
[illegible] ditional Excise upon Brandy imported	27,949	13	11
The gross Produce of the ad- [illegible] Strong-waters	7,583	7	7½
	35,533	1	6½

Per Contra.

	£.	s.	d.
By Poundage allowed to the Collectors of Brandy in the Out-Ports, at 2s. per Pound	910	[illegible]	7
By incident Charges in the Port of London, and the Out-Ports	261	7	8
By neat Produce	34,324	[illegible]	[illegible]
	[illegible]	1	[illegible]

From the 24th June, 1686; to the 24th June, 1687,

The gross Produce of the additional Excise upon Brandy imported	37,365	2	0
The gross Produce of the additional Excise upon inland Strong-waters	8,614	9	11
	45,97[illegible]	11	11

Per Contra

By Poundage allowed to the Collectors of Brandy in the Out-Ports, at 2s. per Pound	903	10	1½
By incident Charges in the Port of London, and in the Out-Ports	[illegible]	17	[illegible]
By neat Produce	44,682	4	3¼
	45,979	11	11

From 24th June, 1687; to the 24th June, 1688.

The gross Produce of the additional Excise upon Brandy imported	45,224	6	2½
The gross Produce of the additional Excise upon inland Strong-waters	9,292	13	5
	54,516	19	7½

Per Contra.

By Poundage allowed to the Collectors of Brandy in the Out-Ports, at 2s. per Pound	968	0	1¼
By incident Charges in the Port of London, and in the Out-Ports	322	7	7
By neat Produce	53,226	11	11½
	54,516	19	7½

Estimate of the Charge of Government.] Sir Rob. Howard, according to order, delivered in the following Accounts and Estimates:

An Account of the Medium Expences of the late King James, for actual Payments in Money, for Three Years, from Lady-day 1685, to Lady-day 1688; viz.

For the Navy	417,[illegible]02	12	10
Ordnance	[illegible]	9	5
Forces	610,883	1	5
Household	66,006	2	[illegible]
Treasurer of the Chamber	28,443	5	[illegible]
Wardrobe	15,125	3	11
Robes	2,676	14	9
Works	24,663	19	8
Foreign Ministers	[illegible]	[illegible]	7
Stables	11[illegible]	13	0
Sundry Fees and Salaries paid at the Exchequer	[illegible]	[illegible]	7
Pensions and Annuities	[illegible]	[illegible]	[illegible]
Band of Pensioners	[illegible]	[illegible]	[illegible]
Bounties and gross Sums, paid at the Exchequer	[illegible]	[illegible]	3
Secret Service per Mr. Guy	[illegible]	3	2
Per Secretary of State	[illegible]	[illegible]	[illegible]
Sir Stephen Fox	[illegible]	[illegible]	8
Privy-Purse	[illegible]	15	4
Mint paid out of Coinage	-	-	-
Jewels and Plate	15,740	6	0
Impost-Bills	[illegible]	12	0
Contingencies, not reducible to the foregoing Heads	22,403	6	3
	£. 1,699,363	2	9

Memorandum. The Principal and Interest to the Bankers and their Assigns, and the Interest of [illegible].

Notes referring to the Estimate of the Expence of the Crown.

Navy.—In the last four years of Ch. 2. the Charge of the Navy was never less than [illegible]l. per ann.

Household.—In Ch. 2's time computed at 107,[illegible]l.

Ordnance.—The Ordnance was always paid [illegible]l. the wages, and [illegible] the [illegible], which is per ann. [illegible]l. [illegible] Ordinary was never less; what was more, as in the Medium, was paid by peculiar Warrants.

Forces.—In the last six years of king Ch. 2. the Expence of the Forces amounted to about 300,000l. per ann.

Treasurer of the Chamber.—The annual Espence, in Ch. 2.'s time, was computed at 30,000l.

Robes.—King Ch. 2. when all Heads were retrenched, continued the Robes at the Expence of 5000l. per ann.

Pensions and Annuities.—By the medium it appears, one year's payment is 116,705l. 17s. [illegible]d.

In these years 50,000l. paid to the Queen Consort every year. To the queen dowager 18,200l. yearly. To the prince and princess of Denmark yearly 32,000l.: but their Expences have exceeded this about 8000l. a year; which has been paid out of Bounty, in gross.

Privy-Purse.—In Ch. 2's time the Privy-Purse was computed at 30,000l. per ann.

Impost Bills.—In Ch. 2.'s time, was 3,600l. per ann.

Contingencies, &c. As Clerkships, Repairing the Highways, [illegible] Liberates in the Exchequer and other like cases.

	£.	s.	d.
The Charge of the Crown, by the Medium presented, is yearly	1,699,363	2	9
In Ch. 2's time, the Charge of the Forces was about 300,000l. per ann.	300,000	0	0
	1,399,363	2	9

Charges upon the Revenue.	£	s.	d.
Mr. Tho. Fox, for the Security of his Place of Receiver of the Customs, by Tally	[illegible]	0	0
Mr. Duncombe, for the same, on the Excise	[illegible]	0	0
The City, on the Excise	[illegible]	0	0
To Mr. Hornby, on the Excise	[illegible]	0	0
To Mr. Hall, on the Hearth Money	17,000	0	0
	277,595	0	0
There is in Arrear to the Army and Navy about	300,000	0	0
There is also a yearly Charge of [illegible] per ann. Interest to the Goldsmiths and their Assigns; which is now in Arrear, at Lady-day next, for six years	[illegible]	5	[illegible]

Resolved, "That the said Accounts be referred to the Committee of the whole House, who are to take into consideration the Revenue, and the constant and necessary Charge of supporting the Crown."

[*Further Debate on the King's Revenue.*] The House then resolved into a Committee of the whole House to take into consideration the Revenue.

Sir *Wm. Williams.* I take the Revenue to be [illegible] certainty I reckon the Hearth Money, as I know. Your immediate Charge then is the constant Charge of the crown. If you give the crown too little, you may add at any time; if once you give too much, you will never have it back again. Therefore I would declare the constant Charge of the crown.

Mr. *Sacheverell.* I agree, that it is necessary to consider the constant Charge of the crown in time of peace. By the Charge of the Navy and Army in king James's time, we cannot make computation, nor from the [illegible], and from king Charles's, when the Expence was extravagant. [illegible] then compute the moderate Charge in king Charles's time. I would know whether, in the years 1675, 4, 5, 6, the Customs did not arise to as [illegible] as under the severe way of management? 'Tis necessary, that you agree what the constant Expence of the Government is, under Heads, as it was drawn up in the time of Sir W[illegible], the Pensions were never heard of till [illegible] time. Expences are [illegible] and the Revenue [illegible]. [illegible] the Navy and the Army, I would see it the constant Charge [illegible] 40,000 per [illegible] — To [illegible], out of repair, and cost [illegible], I cannot agree [illegible] and Navy cannot but be maintained, therefore I am of opinion, that the Navy and Army are not to be considered in the constant Charge. I doubt not but we shall give what is necessary; but I would consider the Navy and Army as an extraordinary Charge.

Mr. *Guy.* I hear my name mentioned [illegible] under the denomination of Secret Service. The reason was, I [illegible] the [illegible] seal: But, be it what it will, I am ready to give account, to a penny, of what I received.

Mr. *[illegible]* I [illegible] to come to an end. [illegible] several [illegible]. We are now [illegible] the Revenue [illegible] the Revenue, but I [illegible] to the War as [illegible] late [illegible] expences? Compute the necessary Charge of the crown, and let the Remainder be applied to the Charge of the War.

Col. *Birch.* I would refer all the Charge of the Government, and that of the [illegible], to the [illegible], except that of the Navy, [illegible] upon [illegible] to the House, you must [illegible] set the Charge, else you will be long in your Revenue [illegible].

Mr. *H[illegible].* [illegible] have been several motions. You may be sure, that the money you give will not be spent in debauchery and lewdness, but employed as you would have it. Either to make particular provision, &c. or in gross, I am indifferent. In another thing, you must give the king your help [illegible] or else you do nothing: There is a farm given out of the Customs to the [illegible] Portsmouth's children, which is the farmage of coals, and [illegible] pay [illegible].

Sir *Henry Capel.* You are pretty near the question. The establishment of the Government is agreed on all hands: there remains nothing but provision for the Ordnance, Army, and Fleet. Though in peace you'll allow for a summer-guard, and in winter for the [illegible] the P[illegible], and [illegible] had more men of war [illegible] than we here) these are to be considered, in time of peace, as part of the Government in peace. [illegible] for the Fleet and Ordnance is [illegible] of the extraordinary Charge. The question is only now, of having an account brought [illegible]. You have no [illegible] of Secret Service [illegible]. There must be an Establishment for the Queen, and princess Anne, who has deserved very well of the nation.

Sir *Th. Clarges.* What Charge is for the Fleet in time of peace, must go [illegible] than in time of war. There is a Charge of the Ord-

[illegible] a certain sum for the Revenue, and not meddle [illegible]

[illegible] tion of the War may leave you. I have not to please myself with the names of a Navy and [illegible] things stand abroad; how Alliances are concluded: but I think the debate leads you to [illegible] cessary, when you consider the Revenue, that [illegible] of Denmark; and when that is done, I would [illegible] Ordnance, I can do it to a farthing. I believe [illegible] force. I deal plainly with you.

Mr. *Sacheverell.* I would gladly settle the Revenue; but I would know, when you have [illegible] deduct any thing. Therefore I would have [illegible]

Col. *Birch.* I never was so puzzled in a [illegible] blishing a Revenue, as in time of peace; pray God we may see it! I understand the debate [illegible] Government. I really would vote 1,200,000*l*; and I would have the world know that the king has such a Revenue; and the privy coun[illegible] ment; else it is in effect to settle a Revenue [illegible]

[1,200,000*l.* *voted for the Annual Revenue.*]

[illegible] of this Committee, that there be a Revenue of [illegible]

[illegible] tee on the Supply for Ireland; Mr. Hampden in the Chair.

Sir *Wm. Williams.* All are agreed for a Supply; 'tis before you, the sum and the time. You have had computations; and you may [illegible] the king, as a good husband. I would vote [illegible] spare any of the money, in reducing it, or scat[illegible] have it from 3 months to 8 months, not ex[illegible]

Mr. *Hampden.* The sum computed is [illegible]

Sir *Rob. Howard.* I would not have you [illegible] own hazard. 'Tis said, 'You may raise it at so much a quarter.' You must consider, you [illegible] that has done so much for us, will not turn [illegible]

Mr. *Garroway.* I would know upon what [illegible] course to land-tax at last. I move, to raise [illegible]

[illegible] the Estimation is disputed; but some part of the Charge cannot come in the rest of the six months; all the rest to be deducted from the rest of the six months. But I am for the ques[illegible]

Mr. *Harbord.* This 300,000*l.* will not carry [illegible] sent into the north of Ireland, and there are not oats for your horses, only grass; they must [illegible] missions to Ireland for 30,000 men; and as soon as the king shall land these men, all must [illegible] will be fatal to the king and yourselves.

Mr. *Hampden,* jun. The charge of one year is partly agreed upon; and I think it must be for a year, for this reason: 'Tis more than an Irish war; I think 'tis a French war. [illegible] Ireland; and there is no way possible to hear [illegible] must give the king such a fund of credit, as [illegible] many is for a year; if for half a year only, no [illegible] defence, do it for a year, that they may join with you. Therefore I move for 700,000*l.*

[illegible] pect to end the war in a year, I would give it for a year. I fear it will be a longer time; and, let it cost what it will cost, and for as long a time as it will, it must be maintained.

U

You are told of 'oats, and other things;' but [illegible] vote, 'That you will supply the war from time to time,' gives it the greatest reputation imaginable. And I would maintain this war with [illegible] have their hands and their hearts to assist you. I speak not this to stop your forces. But there [illegible] ented estates, upon money lent here, upon [illegible] For six months I would give fully; but, I hope, [illegible]

[illegible] rational. We are all of a mind for the whole, but the difference is the provision for 6 months, &c. We are, in effect, paying a land-tax to our advantage in the sale of corn. 'Tis true, a great deal of Money is to be raised. The [illegible] hinder you from the manner of raising it. The [illegible]

Mr. *Hampden*, jun. I fear the war will not be [illegible] think the French king will lay aside his fundamental policy, to keep you in continual work, as he does in all other places?

[illegible] alike to me. We are to confederate; and will [illegible] Will this be an encouragement to your friends, [illegible] but of six months provision for the war? The business cannot be well begun in six months. I am far from thinking that six months will [illegible] French, upon you. This will be an encouragement to your enemies.

Mr. *Garroway.* You have now a Land-tax, and [illegible] the use you intended it yet; and if you take not up Money upon interest, I know not where [illegible] it will cost you more.

Mr. *Sacheverell.* I have attended the debate as well as I could. I take it, that the [illegible] if there is farther occasion, would comply with [illegible] previous question, I would know whether they are not against the Supply. I think these men [illegible] and the rest I shall do as I think fit.

[illegible] Contingencies belonging to the same, for six [illegible] That a further Supply be given to his majesty, of [illegible] for the Levy-money, and [illegible] That a further Supply be given to his majesty, [illegible]

Bill brought into the H. of Lords to abrogate [illegible] desire, signified in council, a Bill was presented [illegible] which being read a second time, a select Com- [illegible] receiving the Sacrament, to make a man capa- [illegible]

Protest thereon.] This last Clause being [illegible] house, was rejected by a great majority, on [illegible] Protest was [illegible]

1. "Because a hearty Union among Protestants is a greater Security to the Church and [illegible] Sacrament is a Test on Protestants rather than on the Papists. 3. Because so long as it is con- [illegible] necessary. 4. Because a great caution ought [illegible] either house. (Signed), North and Grey, Chesterfield, J. Lovelace, Delamer, Grey, Vaughan, [illegible]

[illegible] ters, which was by inserting a Clause in the said Bill, to prevent the receiving the Sacra- [illegible] made the 25th Ch. 2, that is, according to the Church of England; provided a Certificate [illegible] minister, and two other credible persons: but [illegible] given to such lords as will, to enter their Dissents, and these lords do enter their Dissents [illegible]

1. "B[illegible] testant Free Men of England reason to [illegible] they are excluded from public Employments

by a law, and also, because it deprives [illegible] capable to serve the public in several stations, and that for a mere scruple of conscience, [illegible] jects; and my Lords the Bishops having, [illegible] of such a Christian temper; we apprehend, it will raise suspicions in mens minds of something different from the case of religion or the public, or a design to heal our breaches, when [illegible] shut out from civil affairs whose doctrine and [illegible] liament, there being a Bill before us, by order [illegible] without this exclusive rigour, the Church is [illegible] and preferments, [illegible] Because to set Marks [illegible] suspected to the government, as it is at all [illegible] the religion and interest at home and abroad, in this present conjuncture, which [illegible] Protestants against the open attempts and secret endeavours of a restless party, and a potent neighbour, who is more zealous than [illegible] upon the ruins of the Reformation [illegible] 4. Because it [illegible] Protestants [illegible] to the government [illegible] them, [illegible] avowedly dangerous to our religion and government; and thus the taking the Sacrament, [illegible] Papists, is now made a distinguishing duty [illegible] casting off a part of them. 5. Because Mysteries of Religion and Divine Worship [illegible] divine original, and of a nature so wholly distant from [illegible] that they cannot be applied to those ends; and [illegible] 6. Because we cannot see how it can consist with the law of God, common [illegible] that any one be punished without a crime: if it be a crime [illegible] cording to the usage of the Church of England, every one ought to be punished for it, which nobody affirms; if it be no crime, those who are capable, and judged fit for Employments by the king, ought to be punished with a law of exclusion, for not doing that which it is no crime to forbear.—If it be urged still as an [illegible] pose. (Signed) Oxford, Mordaunt, J. Lovelace, R. Montagu, P. Wharton, Paget."

King's Message recommending a Bill of Indemnity.] March 25. Mr. Hampden delivered [illegible] Message [illegible]

"W. R. [illegible] reproach, and penalties, which many of them may be liable to; and to put an end to all [illegible] by reason of any disorders in the late times; and to take away all distinctions and occasions [illegible] having an entire confidence in his majesty, [illegible] and more fully and securely enjoy the benefit of it; and his maj. judging, that the best way [illegible] sive and effectual, is to pass an Act of Free [illegible] General Pardon, [illegible] vion: His maj. doth earnestly recommend the consideration thereof to both houses of parliament, that, with all the expedition a matter of that kind will admit, they may prepare a Bill for that purpose, for the royal assent; with such Exceptions only, as to them shall seem [illegible] ment and welfare of the nation for the future."

Debate thereon.] Sir *Christ. Musgrave.* This Message from the king [illegible] and I think the house should consider it as soon as possible; and we ought to return his majesty Thanks for his gracious favour.

Sir *Joseph Tredenham.* I would express that [illegible] to the king with all the solemnity [illegible]

Sir *Henry Goodrick.* I would have your [illegible] Speaker to present it.

Mr. *Harbord.* You have received a Message from the king, &c. and it is necessary there should be an Act of Oblivion; but I [illegible] for the future. If there be not some examples [illegible] to prevent for [illegible] the examples of the great offenders.

Mr. *Howe.* This does not surprise me, if I look upon the king's carriage; a king so gracious as to [illegible] his presence that have been against him. I hope

[illegible]

Sir *Henry Capel.* You are upon a method [illegible] of a precedent of the Convention. It is said, [illegible] be an end? The king desires dispatch, and [illegible] whole house? A Grand Committee will be dilatory; therefore I move for a special Committee [illegible]

[illegible] tinues to that Convention; therefore I would not have that made a precedent.

[illegible] was a happy parliament. I remember the [illegible] would go into a committee of the whole house [illegible]

[illegible] search the Journals, and they make you a Re-[illegible] into a Grand Committee.

[illegible] majesty, and a Committee was appointed to [illegible] same to the house; had sat several times, but [illegible] as referred to them; resolved, "That the [illegible]

Mr. *Hampden*, jun. I know not what con-[illegible]

[illegible] forms, 'that the king did swear in the name [illegible] the king. [illegible]

Sir *Thos. Clarges.* I move for an addition to [illegible] will maintain, &c. the Protestant Religion, [illegible]

[illegible] be for it. I think this is in opposition to Po-[illegible]

[illegible] more, than what I have said in matter of fact. [illegible] the Confessor. They were Capitularies, of which some are expired. It is not said, 'ne-[illegible] always left to the legislators to alter them. As [illegible] is looked upon as a word [illegible] you require. I would have the Church-doors [illegible] king, in the Oath, swear to maintain the Pro-[illegible]

Sir *Joseph Tredenham.* Whenever a Bill of [illegible]

[illegible] 'by law established,' is a tautology, and hardly [illegible] is not such a correspondence as people may imagine. As to the word 'reformed,' all the [illegible] shall never vary from it, and I hope no body here ever will. What do you call 'law?' It [illegible] in the rest, and say, 'you are to maintain us, [illegible]'

Sir *Tho. Littleton.* I am as much for the [illegible] have added, nor any other, 'but by act of parliament.' The king has an inclination to open the doors of the Church; what harm then is there in those words 'as shall be esta- [illegible] this king may say, 'I do not understand what is "by law."' And if we say, 'by act of parlia- [illegible] 'as shall be established by law.'

Mr. *Ettrick.* If I thought this would bind up the legislative power, I should be against it. I would not have it extend to the essen- [illegible] as Quakers, Anabaptists, &c.

[illegible] blished by law.'

Mr. *F*[illegible] all sides are like to have war; but this Coronation Oath is the very touch-stone and symbol of [illegible] be put in be 'established, or shall be established,' [illegible] hope it is on a better foundation than men can [illegible] trine and Discipline. I move, that 'according [illegible] in the Oath, &c.

[illegible] to the Church, as any man. I second the [illegible] perjury in it; but whether he swears to all as [illegible] made, to swear so generally. Consider, the [illegible] house has agreed any alteration? Suppose the parliament be dissolved by the hand of God, [illegible] be bound to press all the ceremonies?

Sir *Tho. Lee.* I think a Declaration of our Right is sufficient, and a seasonable time to [illegible] dispense with them, and they must be observed whilst the laws are in being. I think [illegible] be, 'what is, &c. or shall be by law established,' every body will be for it.

[illegible] the words moved for, viz. 'established by law, [illegible] because, the words being implied, you need [illegible] Protestant Religion. You were told, it was [illegible] Religion established by law, I am against the

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[*] Paymaster-General of the Army, in con- [illegible] treasurer, and paymaster of the forces here. [illegible] 1719, an earl of Great Britain. He died in 1729.

[illegible] words, I believe, will not be received here. [illegible] a large word of great comprehension, because [illegible] were fit to be established, instead of that we have: I suppose the Doctrine is never to be [illegible] tender consciences: but this is as if there were [illegible] by law; as if there was intended a new Doctrine, as well as a new Discipline. I would [illegible]

[illegible] said, I go a great way with him, and when I [illegible] that chair, in a former parliament, to show you [illegible] agree to the Church of England; and if that [illegible] hended. You are told, 'it will as well relate [illegible] success we have had with the Scots, (which [illegible] Church; and what followed upon it? That [illegible] trade; and this is such a stumbling block as we cannot avoid. I would make the Doctrine [illegible] large.

Mr. *Finch.* Birch told me, 'he would go a [illegible] step. I said, 'the Doctrine was the true pro- [illegible] as if I made an infallibility. He tells you, [illegible] topics are out of doors, for all agree, that all Protestants ought to be united.

Col. *Birch.* I know my disadvantage. The [illegible]

[illegible] words 'shall be established by law.' I desire [illegible] and that will be a remedy at all times.

[illegible] 'established by law.' We desire to consider, [illegible] not? I see no manner of reason against it. [illegible] ter, we are at liberty to do it. No man that [illegible] ligion, and I am sure they will look much [illegible] jealousy, for it must then return from him [illegible]

Sir *Henry Capel.* What makes me rise up [illegible] another person to take, it is always a rule to [illegible] see it upon our Books as a doubt? I have [illegible] up ourselves? It is argued, 'this may bring in [illegible] 'your parliament has limited you to a church [illegible] create jealousies at home and abroad. I have seen, by court-practices here, one party set up [illegible] it out. I remember col. Strangways's story of [illegible] words. [illegible]

Mr. Ettrick. I doubt not but the opinion [illegible] represent to the king, that a majority of the [illegible]

[illegible] we all do intend a comprehension. But how [illegible] be a discouragement to him: I move therefore [illegible]

[illegible] the Bishops Declaration, a tenderness to the [illegible]

[illegible] shall remain in the Oath, 'to preserve the [illegible]

[illegible] this Summer's Service; also, an Extract of the [illegible] assistance: which were as followeth:

Navy-Office, 23 March, 1688-9.

An Estimate of the Charges of the wages, [illegible] fourth rates; 16 small ships, and 8 fire-ships (as by a List thereof apart); to be [illegible] ing to a Project thereof herewith pre-[illegible]

[illegible] each man a month, is, for one [illegible] months, amount to	892,060
[illegible] 2 fire-ships, at 4*l.* each man a [illegible] and, for 13 months, amounts to	236,080

EXTRACT of the TREATY between England [illegible]

[illegible] the said States General do or shall have right [illegible]

"Article V.—And, in case that the said [illegible]

[illegible] already engaged in a rupture; during which [illegible] gressor or disturber, and the party attacked or molested: notwithstanding which, he shall, during that time, give a powerful succour to his [illegible] and the said States General: which Articles, although not mentioned in the present Article, [illegible] rupture, whether he will continue to enjoy the [illegible] an open rupture [illegible]

[illegible] "The [illegible] States General, [illegible] manner following; that is to say, his majesty [illegible] with 10,000 foot, and the States General shall [illegible] said States General, shall think fit, and conceive most proper for such an assistance; and [illegible] provided: which succours shall be supplied and [illegible] cessity of affairs shall make it appear, that the [illegible]

Debate on settling a Revenue on the Princess Anne.] Sir *Tho. Clarges.* You cannot settle a Revenue upon any body. I remember at Oxford there was a Bill to enable the king to [illegible]

Sir *Wm. Williams.* There was a Revenue [illegible] and a monument for her for ever. I would refer it to a committee.

Mr. *Hampden.* I move very tenderly. In motions of this nature, that are acceptable, we are most subject to errors in the management of it. She may be in want of money, but [illegible] mittee. But if there be any way to propose, [illegible] there was grumbling.

Mr. *Harbord.* Something has been said [illegible] sury, he said, 'he would have the Money all [illegible] Dowager, and the Princess Anne, these were the uses, and they are taken care for.

Sir *Henry Capel.* You do two great things [illegible] nour, and virtue, and support to the Protestant Religion. Though there be no precedent for a private committee to consider of Money, I [illegible] words in your question, viz. 'That when the Revenue [illegible]'

Mr. *Boscawen.* I would have the Princess have the Revenue of the Post-Office, but not [illegible]

Resolved, "That, when the matter of the R[illegible]

[illegible]

Mr. *Pelham* offered a Proviso to the Bill by [illegible] other day. What I offered then was, I thought, a service to the king and the Church of England [illegible] Proviso I shall now offer, shall meet with a general acceptation, I shall be happy. If not, I [illegible] discipline, &c.'

The Proviso was as follows: "Provided always [illegible] in this Act shall be understood so, to bind the [illegible] commons, assembled in parliament, for the taking away or altering any Form or Ceremony [illegible] of the said Church, a public Liturgy, and the [illegible]

[illegible] for this Proviso. It cannot be imagined, that [illegible]

[illegible] I did apprehend, and yet do, that point is [illegible] king. I was one that did not see so clear as [illegible] some other reason than what they tell us, or [illegible] answer all expectations. I cannot imagine [illegible] affect all laws?

Sir *Tho. Lee.* I was the other day of opi[illegible] by the other words offered; and now here is a Proviso to explain it. I am afraid the words, [illegible] Proviso says, 'The king shall be always at li[illegible] striction is not to be exercised but in certain cases. It will, I fear, creep in, that other laws cannot be made without such a Proviso. [illegible]

[illegible] That a Committee be appointed to bring in a [illegible]

The Add[illegible] is pleased to give a most gracious Answer, to the effect following: "Gentlemen, I am [illegible]

[illegible] of lords entered into a Consideration of the Report of the Amendment in the Bill for unit[illegible]

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* The form of the Coronation Oath is thus: *Q.* 'Will you solemnly promise and swear to 'govern the people of this kingdom of England, 'and the dominions thereto belonging, according 'to the statutes in Parliament agreed on, 'and the laws and customs of the same?' *A.* 'I solemnly promise so to do.'—*Q.* 'Will you, [illegible] 'to be executed in all your judgments?' *A.* 'I 'will.'—*Q.* 'Will you, to the utmost of your 'power, maintain the laws of God, the true 'profession of the Gospel, and the Protestant [illegible] 'privileges, as by law do or shall appertain 'unto them, or any of them?' *A.* 'All this I 'promise to do.'—Then the King or Queen, [illegible] shall say, 'The things which I have here be'fore promised, I will perform and keep.

'So help me God.'

* "Nothing more strongly evinces the desire [illegible] distinctions, than the variety of measures he [illegible] raising Protestant Dissenters to a capacity of civil employment, his only hope was to enlarge the pale of the Church, and to obtain such [illegible] purpose a Bill of Union and Comprehension [illegible] posed to allay the heats of parties during the dependence of the Bill of Exclusion. The [illegible] argument. A preliminary question however [illegible] this Bill, and involved difficulties, which afforded but unpromising hopes of its success: [illegible] be offered upon the part of the Established [illegible] uniting the Dissenters? An exclusion of the [illegible] of mankind at large, as qualified to decide con[illegible] the result of this Bill with a suspicious vigi[illegible] ot have been dissatisfied, if any innovation [illegible]

[illegible] at receiving the Sacrament? The Votes were [illegible] particularly of the Clause concerning a Com- [illegible] and others of the Clergy: and it being pro- [illegible] were equal on both sides, so it was like- [illegible] cordingly, these lords following do enter their Dissents in the Reasons ensuing:—1. "Be- [illegible] less concerned to provide for it. 2. Because [illegible] tual and temporal, and commons, assembled in [illegible] commissioners for altering any thing in the civil [illegible] inspiration of spiritual men to be alone depended on. 3. Because, though, upon Romish principles, the Clergymen have a title alone to meddle in matters of Religion, yet with us they [illegible] defined to consist of Clergy and Laity; and so [illegible] man determination, being properly the business of the Church, belong equally to both; for in [illegible] Because the pretending that differences and [illegible] Commission, is vain and out of doors; unless [illegible] authority, had furnished a pretext for making [illegible] the king, to be drawn up in terms which anti- [illegible] same Church; and this will be a reason, [illegible] ness of it. 5. Because the Commission being [illegible] soning and thinking.—6. Because it is the [illegible] Alterations into a law, that lay-lords and com- [illegible] remove all fears and jealousies ill men may [illegible] to keep up, without grounds, a distinct interest [illegible] mining.—7. Because such a restrained Com- [illegible] it might be made use of to elude repeated pro- [illegible] providing for it is taken out of the ordinary [illegible] —Lastly, Because, after all, this carries a dan- [illegible] to meddle in matters of Religion; a suppo- [illegible] of Church and State, which will make all alterations utterly impossible, unless the Clergy [illegible] themselves having no authority to meddle in [illegible] Lovelace."

"I dissent for this and other Reasons: Because it is contrary to three Statutes made in the reign of Hen. 8 and one in Edw. 6, which [illegible]

[illegible]

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* Content 28, Proxy 1, in all 29. Not Content 27, Proxies 2, in all 29.

[illegible]

The King and Queen crowned.] April 11. [illegible]

the sake of seeing the shew. By a Clause in the Coronation-Act, it was left in the king's [illegible] or bishop; and Sancroft persevering in his resolution not to acknowledge a Settlement [illegible] room. It is remarkable, that the commons, [illegible] after the Coronation, they had however a procession of their own; for the whole house, in a full body, walked from Westminster-hall to [illegible]

[illegible] to them as followeth; viz.

[illegible] parliament, having, to their unspeakable joy, [illegible] land; visc. Fauconberg, earl of Falconberg; [illegible] Montague; the lord Churchill, earl of Marlborough; Henry Sidney, esq. baron of Milton, [illegible] of Kent; viscount Lumley, of Waterford in [illegible] the County Palatine of Durham, and earl of Scarborough; the viscount Cholmondley of Kellis in Ireland, baron Cholmondley of Witch- [illegible]

[illegible] occasion, and to wish your majesties a long and prosperous reign, with all the blessings that ever did attend a crown.—We are all sensible, [illegible] fended from our enemies; and from your justice, that we expect a full enjoyment of our Laws and Liberties: but that which completes [illegible] your majesties continual care to maintain the Protestant Religion; so that we can no longer [illegible]

"May the same Divine Providence, which [illegible] est dangers, and so often given you victory over your enemies, still crown your under- [illegible] names so far outshine the glory of your prede- [illegible]

[illegible]

"Gentlemen; We return you our hearty thanks for the kindness and respects that you have, upon all occasions, shewed to both of us: [illegible] dom; and I doubt not, but by God's assistance and yours, we shall be able, in a short time, to make you a flourishing people."

* *Address of both Houses to the King, thanking* [illegible] *and desiring him to call a Convocation*.] April 19. Both houses presented the following Ad- [illegible]

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* "By this Address it appears, that a party [illegible] the king to continue his care for the preservation of the Church, hinting at the same time, how dangerous it would be for him to do other- [illegible] the Clergy had not been so much as advised with; and therefore it was, that they so hastily petitioned for a Convocation, under a notion [illegible] business would be accomplished with-

"May it please your majesty; Your ma- [illegible] the [illegible] service, than by a firm adherence to that [illegible] to assist [illegible] may be, for calling a Convocation of the Clergy of this kingdom, to be advised with in ecclesiastical matters; assuring your majesty, it is our [illegible]"

[illegible] lowing Message from the King was delivered [illegible]

"W. R. Though I have had many occasions of assuring you, that I will maintain the [illegible] I am well pleased with every opportunity of repeating those promises; which I am resolved [illegible] loyalty, I doubt not, will enable me to answer [illegible] saries you laboured under; so it is a great [illegible] that, by the [illegible] has given me, I am in a station of defending this Church, which has effectually shewn her [illegible] peculiar care; and I do hope the ease you [illegible] to the Establishment of this Church; which therefore I do earnestly recommend to you, [illegible] animosities may be removed; and, as soon as conveniently may be, I will summon a Convocation."

Ordered, That the Address of both houses, with his majesty's Answer, should be printed and published.

Debate on the Lords' Amendments of the [illegible] [illegible] went into a debate on the Lords' Amendments [illegible] Supremacy and Allegiance. On the Clause for ex- [illegible]

Sir *John Thompson* said, This Amendment, of the king's tendering the Bishops the Oaths, [illegible]

Sir *Tho. Dyke.* The odium will be on the [illegible] vised by his Council; and they must suspect [illegible]

[illegible] them: and that is the effect of the lords Amendment.

Sir *Tho. Lee.* Pray make us well understand this Amendment. The consequence does not differ from the lords, 'That it may [illegible] I would know how these stand together; whe- [illegible] draw the consequence of asserting the future [illegible]

The *Speaker.* If the king issues out a spe- [illegible] they are obliged to take it before [illegible]

[illegible] no farther progress was made in the Bill. [illegible] wards brought it into the house, acted a very disingenuous part. For while they studied to [illegible] it as a maxim, that it was fit to keep up a strong faction both in Church and State; and [illegible] suffer so great a body as the Presbyterians to be [illegible] to preserve it. So the design of a Comprehensi[illegible] ter success." Burnet.

Mr *Sacheverell.* This seems to me to be a [illegible] I am against it. Your Bill, as it is penned, is to enjoin all persons to take the Oaths; and this Amendment provides, 'That if an order of [illegible] This cannot be a riding commission, all England over, to give the Oaths; then, if it be not a separate commission, which must have time [illegible] will have time to shelter themselves, under the [illegible] it is in their power, whether to execute your [illegible] be thought so; and if for particular persons [illegible]

Mr. *Carter.* All the subjects of England are under one king; and there is but one allegiance, according to our law. It was suggested here, 'That the Bishops had taken an oath to [illegible] would not bear it to swear it to king William;' and I think that the strongest reason why it [illegible] Bishops. Some have taken it, and some not; and as to the Government, we have taken it; [illegible] We have done it, and they ought to do it. Some are to leave their offices on refusal. [illegible] doing it; as we are obliged to it, so I hope all else shall be obliged. A Popish head was thought not safe for the Government; it will be a greater monster to set up two heads of [illegible] Coronation-Oath; and shall they not pay their allegiance to the king? I would retain what [illegible]

Sir *Joseph Tredenham.* Carter is much mistaken in the question; it not being, whether the Clergy shall take the Oath or not? if it were so, I should be of Carter's opinion; it is [illegible] Amendments? It is only, whether there shall be a trust in the royal dignity, or no? And a [illegible] to require the Clergy to give a testimony of their loyalty. If any of the clergy own any [illegible] to make trial of them. You are told, 'This will put a hardship upon the king.' If trust be a hardship, the crown is a hardship. The severity is not in the crown, but in you. Perhaps, in another reign, it may not be safe to lodge this power in the crown; it is safe now: and I would agree to the lords Amendment.

[illegible]

Mr. *Howe.* By what I find, by his motion, the stress lies in the commission: that Clause is not to impower the king to dispense totally [illegible] king; but I am not for either giving the king new power, or taking any from him. I cannot [illegible] owe it to another; therefore I would have no [illegible]

Sir *Tho. Littleton.* I differ from Tredenham: it is not such a great trust. It might, [illegible] if the Bishops, in this case, were not tenderly [illegible] be here, or never; and therefore I am against [illegible]

Mr. *Finch.* Notwithstanding the reasons I [illegible] will extend that new law? All persons in office [illegible] to excuse them from the oaths, but a com[illegible] sooner, if he please. Disagreeing with the lords is to oblige all men, within that time, without [illegible] told, 'In that time, king James will be here, or not expected.' I hope you will not imagine, [illegible]

Sir *Tho. Lee.* I am surprized that gentlemen [illegible] You are making a new law; and it is but compounding for a new one; and before this [illegible] it, and was turned out for refusal of the Engagement; and those times did not think them[illegible] king. It is not so long since some would have [illegible] house, but not take the Oaths, thinking it con-

[illegible] by their oath, to king James. Therefore I would not agree to the Amendment.

Sir [illegible] How can you make this law equal? You put it in the power of the [illegible] not take it, [illegible] some qualifications, your law then is equal. The [illegible] principle, or [illegible]mour; if from principle, it must proceed from other oaths that they have taken; and it is part of your security, that the old oaths be abolished; and what can resist an act of parliament? Shadows follow bodies; can you absolve me of my Oath of Allegiance and Supremacy? The [illegible] them. But the Bishops say otherwise; they [illegible] the [illegible] separate them. I am for all persons to take the [illegible] separate from the rest of the nation.

[illegible] in a new government, whether we shall make distinctions? I could wish all sorts of clergy [illegible] as may prevent any mischief that may ensue. I hear talked of a regency, in king William, mentioned in favour of king James; but I can[illegible] James, you will think of calling him back again. But, at this time, to have any disagreement [illegible] sequence. Therefore I would agree to the Amendment.

Mr. Godolphin. The question is not, Whether the Oaths shall be taken, or no; but, Whether the king shall have power, by commission, to tender them, &c.? We are running into divisions here, to prevent divisions in the [illegible] forward and backward. I would agree.

Mr. [illegible] point has been twice settled in the house already; and I hope the nobility of the kingdom [illegible] understanding in law, when Sawyer asserts a thing. I desire that the statute of the Oath of [illegible] in Scotland, [illegible] was to make a recognition of his government. It is certain [illegible] person is an usurper; and, by consequence, [illegible] are the plain consequences; and then, whether [illegible] sideration of the whole, I make this to be trip[illegible] will tell you more. This is the effect of the lords' Amendment; and I would not agree.

A C[illegible] up Reasons to be offered at a Conference.

[illegible] *Oaths, &c.*] April 20. Sir George Treby re[illegible] statute law, to oblige men to swear to the king. 2. Allegiance is the common and necessary duty of all subjects, and is most strictly to be required of archbishops, bishops, and those [illegible] promotions, in regard they are highly intrusted in the administration of the government, draw great depen[illegible] rest of the people; and several of them are, by law, to administer the Oaths of Allegiance to other persons. Allegiance is also strictly to be required of all governors, professors, and fellows in universities, and school-masters, be[illegible] ought to be persons of known loyalty and affection to the government. 3. The taking the Oaths publicly, in open court, will better ma[illegible] Council; and will be much more safe for the [illegible] Oaths taken [illegible] said Oaths under penalties; but if the Oaths are not to be required, unless tendered, the [illegible] Clause which the commons sent to your lord[illegible] employments; and is more gentle in the penalty [illegible] the archbishops, bishops, and persons having [illegible] in the declaration of their allegiance; and may tend to make a division in the kingdom; and [illegible] and danger, and occasion a general discontent."

A Conference was desired, where the above R[illegible] was adjourned into a committee, to debate and consider of the Reasons of the house of commons. The house being resumed; the earl of Bridgewater reported, That after a long de[illegible]tion, "Whether to agree with the house of commons?" It was carried in the negative. Then the question was put, "Whether this house should agree with the committee?" It [illegible] given to such lords as would, to enter their Dissents; and accordingly these lords follow[illegible]

"The Bishops and Clergy not to be excused from taking the Oaths of Allegiance: 1. B[illegible] the subjects may be excused from giving assurance of their allegiance and fidelity to the g[illegible] be left perfectly precarious. 2. Because the Clergy, and especially the Bishops, receiving their benefices, dignities, and preferments, from the public, ought to be the first and forwardest [illegible] preserving the government as well as religion established by law. 3. Because the presence [illegible] have no other foundation in the present case, but [illegible] no one ever scrupling to give all manner of pledges of his allegiance, where he thought it due: those therefore that scruple, ought the [illegible] the Test; unless any one can think it reasonable the government should favour, encourage, and indulge, those who will not give the usua[illegible] 4. Because, however the king may, that part of [illegible] see another part of the nation under looser obligations to the government than they; nothing [illegible] orders, in a state, as unnecessary distinctions, or [illegible] or fidelity amongst themselves in the great concernments of the kingdom, especially in th[illegible] when we are entering into war with a potent enemy, who openly owns and supports a contrary title. 5. Because it will discourage our Allies, and give them a lower opinion of our king's interest in his people, or authority over them, than was for the advantage of this kingdom in particular, or the Protestant Religion throughout Europe, [illegible] that those who were looked on to be the di[illegible] bring their own to acknowledge him in the first and fundamental act of obedience; and what [illegible] part of the nation in a business of such mo[illegible] like a mark of disaffection on that sacred order, by allowing them now a dispensation from taking a very moderate Oath of Allegiance, who, in a late reign, were too forward and [illegible]ing new Oaths to carry loyalty and obedience to monarchy, to a pitch unknown to our an[illegible] being no other assurance of any one owning himself subject to any government, but either acting under it, or swearing to it, it was very [illegible] the Oaths, that the public might have that security of their Allegiance from those that refuse the Oaths. 8. Because it was unreasonable, that for a part of the Clergy, the nation [illegible]ders for want of settling the Militia; the renewing of all Commissions being delayed, to [illegible] people, till this Act were past, and therefore [illegible] comply with the commons in the present necessity, though their Vote should be hard on a [illegible] allowance to some scrupulous men. 9. Be[illegible] of the people, who claim protection from the [illegible] and fidelity to it; and it was hard to think [illegible] fellow-subjects.

[illegible]

[illegible]

April 22. A Conference was desired by the lords. Sir Tho. Lee reported from the Con[illegible] Reasons; as follows:—"In answer to the first [illegible]jects, and especially of the Clergy; but the [illegible] lords should agree, that it is better to tender the Oaths in open court than privately, yet that is not a sufficient reason against the tendering [illegible] council; because the officers and judges of the [illegible] clause offered by the lords; or if it be not [illegible] more explicitly.—To the fourth: the Clergy [illegible] will amount to a refusal; or if it should not, [illegible] would make it so.—To the other Reasons: the [illegible] ment, they will be, equally with others, obliged to take the Oaths; and even those that are [illegible] Clergy to a trial immediately, than to leave [illegible] obliged, by the Prayers which they must read, [illegible] solemn declarations of their fidelity to the [illegible] public safety as in other persons, who are not bound to make such frequent declarations of their fidelity.—In so critical a time as the pre- [illegible] of council, will not only take off all imputation [illegible] even require a more rigorous way of proceeding [illegible] pretended title of the queen of Scots, and the [illegible] for the public quiet; and the ill-effects of leav- [illegible] against her person, the following a pattern [illegible] a sufficient Answer to the last Reason given [illegible]

[illegible] Sir Henry Goodrick. I see it evidently here, by the lords Paper, that a Dispensing power is asserted; a [illegible] What have these men done to merit this [illegible] If your Clergy had not curates, [illegible] keep conformable curate, the curate will pray [illegible] you cannot punish him; and there is your dispensing power. Consider the difference of times; in queen Elizabeth's time, there was [illegible] ligion; half her kingdom then were Papists; [illegible] ourselves so. All this is no more than granting a power to the king and council, to dispense [illegible]

Mr. *Howe.* I have heard nothing to the contrary from the lords Answer; and I think [illegible] fible, nor, I believe, ever will, unless you put a [illegible] yet, it seems, they give a Reason why not; as if prayers for the king and queen, in the Litany, [illegible] They pray 'for all Christian kings and queens.' I cannot, with a safe conscience, pray for king [illegible] they owe no allegiance to, I desire not their prayers. That of a shorter day, I believe, is a Reason out of the strong box. The prece- [illegible] promote the title of king James. We have [illegible] swear, will help to bring in king James.

Sir *Rob. Howard.* The lords sent a Bill [illegible] take not these Oaths, are underminers of the government; and then, by their Amendments [illegible] is to me a contradiction. A penalty on the [illegible] too high a thing for us to impose; but to put [illegible] ple, they are not free to the allegiance, is a kind of sermon from them against the allegiance, and a doctrine practised by us. They are underminers of the Allegiance, that make it less sure to oblige them. An Oath (which they scruple) is an end of all controversy; this is as if some would be in that controversy, and not take the oath. The instance the lords give of queen Eliz. is a very wild precedent. The [illegible]

Col. *Birch.* I believe there is more in these [illegible] are not exceedingly well armed for a Confer- [illegible]

[illegible] free Conference was [illegible]

Debate thereon at a second Free Conference.]

At the free Conference: The earl of Notting- [illegible] house of commons, &c. is great; but not so [illegible] sooner than the time, &c. No question is, or can be, but our allegiance is due to the king [illegible] Allegiance; and he is no further a subject but as he owes allegiance to his prince. The wis- [illegible] ance in court-leets. Afterwards, when affec- [illegible] powers, there was something to strengthen that by a statute. This allegiance has been op- [illegible] be confirmed by your lordships concurrence. [illegible] Your lordships answer, 'It is better the Oaths [illegible] 'the not taking them, within the time limited, shall amount to a refusal.' Whether a man [illegible] of contest. To the other Amendments: the commons desire present Security for the government; a present security is necessary [illegible] lordships say, 'If the person be thought ill- [illegible] the rest: and the council ought to secure all [illegible] answer to that of the statute of queen Eliz.; [illegible] premacy. There was a distinction between [illegible] very narrow compass; we only differ in the [illegible] the 1st of August. I differ from Treby about the Oath of Allegiance and Supremacy; they [illegible] Pope could do; and the Oaths of Allegiance [illegible] take so good a pattern now, as that, which was [illegible] forfeit. I did say, 'yet the judges could not [illegible] thority of the judges; they must give the Oath privately; not as judges, but as persons nomi- [illegible] other place than the Court.

Sir *Wm. Williams.* The Question will be [illegible] ministered in public, or in private. In Court it will be a Record; it rests from whence this [illegible] men, in this case, are the dangerous men; these hands are but the tools which are set on [illegible] but by oaths. There is more reason to impose [illegible] they have a greater tenderness in taking them, from some secret reason. The Oaths, in queen Elizabeth's time, were more to distinguish Protestant from Papist; that law was made for the illness of those times. If in king James's [illegible] mons, and another for the Clergy, there were [illegible] method for both then; one form both for [illegible] I agree, your lordships method is the soonest [illegible] little tenderness to the bishops, and as if a power in the king to order the taking or not taking the Oaths. I deny not but a parliament may do any thing; but this looks like a case of binding the Laity one way, and the Clergy another.

Bishop of *Salisbury,*[*] (Dr. Burnet.) The

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[*] "I was the chief Manager of the Debate in [illegible] But seeing it could not be carried, I acquiesced the more easily; because, though in the beginning of these debates I was assured, that [illegible] pels; yet I found afterward this was not true, [illegible] indefinite designation. I also heard many [illegible] deavouring to raise all the opposition to the [illegible]" Burnet.

[illegible] there is a protestation of fidelity; if they omit that prayer, they are punishable; by the Act [illegible] this, and not obey the king and queen? This [illegible] act; this is done every day; they themselves [illegible] As for the objection of taking it in open court, a few words may provide against that. The [illegible] first invention of it was not in queen Elizabeth's, [illegible] extend that power, when we consider, that [illegible] This proceeds from such a supposition that may be speedily punished in attempting to [illegible] you will not leave this to the king? And there [illegible] safety. The eyes of all England are upon this [illegible] made so much a better security to the govern[illegible] distinction to a few, it will be so much discou[illegible] There are a sort of men that either will not pray [illegible] common conversation, that their parishes ap[illegible] and in it. Discrimination in our Church is [illegible] is said, 'the Clergy acknowledge the king and queen, &c. in the Common Prayer.' I answer, [illegible] encourage them against the lords and commons of England. In queen Eliz.'s time, the nation was half Protestants and half Papists, and a prospect of a Popish Successor in Mary queen [illegible] premacy. Shall it be said that any of our great bishops make use of arguments of the Papists? In ancient times, there were such [illegible] there is a vast apprehension of such a prece[illegible] had formerly on the bishops. I hope you will make [illegible]

Sir [illegible] If your lordships had so [illegible] we should have less suspicion of any appre[illegible]

[illegible] Why may it not be expected, 'obedience according to law?' And they take it in the giver's sense, and leave it to the king.

[illegible] effectual, those who execute it themselves are the most effectual; they are obliged in interest to take it, or forfeit all. But if left to others [illegible] it, instead of having this law take its full effect. It [illegible] persons are, that doubt the owning the government. This Oath was so framed by your lordships [illegible] there is nothing but plain promise of obedience.

[illegible]

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* Soon after sent Ambassador to the States-General, colonel of marines, first lord of [illegible] privy seal: he was first plenipotentiary at the Treaty of Ryswick in 1697, in 1700, lord president of the council, and in 1701, lord high admiral. By queen Anne he was continued at [illegible] lord lieutenant of Ireland in 1707, and lord high admiral in 1708, which he resigned two years after. This noble earl made that admirable collection of ancient Marbles, &c. now [illegible]

† Uncle to the then earl of Northampton, and first a cornet in the horse-guards, but [illegible] ter of St. Cross, canon of Christ-Church, [illegible] 1675: on king James's accession he was dismissed from the Council-Board for having op[illegible] pending Dr. Sharp. On the prince of Orange's [illegible] William to the Congress at the Hague, and [illegible] was peculiarly styled 'the Protestant Bishop,' [illegible] the reign of Ch. 2 and James 2.

[illegible]

Sir *H. Goodrick.* We find this is only a [illegible] mination of persons designed. It is a notion in the world, that there is a great difference betwixt subjecting to a government, and solemnly recognizing a government, the design [illegible]

[illegible] not do it. The clergy are men of conscience, [illegible]

[illegible] take care of the clergy; but exempting them [illegible] There is no way to bring all England of a mind, [illegible]

Sir *Hen. Goodrick.* The commons propose [illegible] from the laity, it deserves farther consideration in the house of commons.

Earl of *Nottingham.* It is not now, that the [illegible] in queen Eliz.'s time, were exempted, &c. so considerable it was, for the quiet of the nation, [illegible] If it be left to the king, the danger is not so [illegible]

[illegible] Duke of Schomberg.

April 24. Sir *Rob. Howard.* The duke of Schomberg, one of the greatest captains in [illegible] dom; hither he comes, and the king is not in a condition to reward him, otherwise than with [illegible] condition is not equal to his desires to reward him. There cannot be a greater misfortune than to lose so great a captain. I hope the [illegible]

Mr. *Hampden.* I think this motion is of [illegible] something the king may do for him. You cannot [illegible] king with it, and desire his majesty to dispose [illegible] him such a present as may encourage him to [illegible]

Sir *John Guise.* I doubt not but if you de- [illegible] traitors, that the king, out of their estates, will give a reward to marshal Schomberg for his service.

Sir *Tho. Clarges.* I have as great a sense [illegible] the house, or any where else. I hope we shall [illegible] against it, but, as you have been told, there [illegible] rights of the people, and are in actual rebel- [illegible] sideration, you will do it. The king's brother, the duke of York, had an estate given him out [illegible] attainted; and I hope the king will give him [illegible] are in rebellion against the government.

Mr. *Harbord.* The king told me, 'That he [illegible] in ability to gratify him, he would recommend him to the consideration of this house;' and I doubt not, on Monday, you will find out some way to do it. It is not fit the nation should bear the burden, when these men have been the occasion of your misfortunes. We shall [illegible]

[illegible] were I not afraid of precedents. You [illegible] Schomberg under his consideration.' I am surprized that the motion was not earlier. I [illegible] done, then the methods were, the king gave [illegible] confirmed them afterwards. I would have it from the hand it ought, and I hope the crown will be maintained always in that plenty as to be able to do it. It will be best for the marshal, and best for you.

[illegible] by a day, or else they shall stand outlawed; [illegible]

Sir *Christ. Musgrave.* When gentlemen

[illegible] that [illegible]

[illegible]

state it, it ought not to be. I have a great [illegible]

[illegible]

out of the way, if you put a question, that we shall take upon us to recompence him for his service; that is a prerogative only of the king. [illegible]

persons, and I move you for the order of the [illegible]

Sir *Henry Goodrick.* This house is possessed [illegible] Protestants of Europe are; but to lay this debate aside now, I am against it. They did give great gratuities to generals in former times, when we had no king in Israel; but we cannot usurp that prerogative: therefore for the present I would have it on your books to acknow- [illegible] and to enable the king to settle a grateful acknowledgment on this great man.

Mr. *Hampden,* jun. I hope you will not go [illegible] on your books. Ireland is not to be reduced without a general; and this is the greatest general in Europe: he is used to conquer king- [illegible] right owner.* You will use him for Ireland. [illegible]

Sir *Rd. Temple.* I find, all resolve to return [illegible] the king and the nation, and that you will recommend him to the king. Therefore pray put the question.

Sir *Tho. Clarges.* I fear, this may be of dangerous consequence, to put ourselves in [illegible] persons. I remember but one precedent, and that was in the brother of a king, the duke of [illegible]

[illegible] debate, to let it fall may be of dangerous con- [illegible] we may enable the king to gratify him. If we [illegible]

Sir *Henry Capel.* It will be of dangerous [illegible] persons. Sir George Booth had a vote of 10,000*l.* given him. The times indeed were different. This person is so eminent, that you can have no ill consequence of it.*

[illegible]

Address of the Commons for a War with [illegible]

[illegible]

house:

"We your majesty's most loyal and dutiful [illegible] before your maj. our earnest desire, that your [illegible]

[illegible] least, but that through your majesty's wisdom, the alliances already made, with such [illegible] the French king to such a condition, that it [illegible] kingdom. To this end we most humbly be- [illegible] enter into a War against the French king, we will give your maj. such assistance in a parlia- [illegible] and [illegible]"

[illegible]

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* "The king of Portugal sent count Schom- [illegible] count de Villa Flor had the title of general, he [illegible] the former. This great captain obtained several victories over the Castilians; and it may [illegible] them than to overcome the obstinacy of the [illegible] glory, traversed every design which he thought [illegible]

* This great general, soon after this de- [illegible] "It was his peculiar merit," says an excellent writer, "to have been more than once em- [illegible] retrieved; and to have completed that character by dying at last, full of years and multi- [illegible] Burnet says, "That the parliament gave the [illegible] ever, was never paid, but in lieu of it 5000*l.* a [illegible]

† Oldmixon says, "That sir Tho. Clarges [illegible] spoke thus; "Mr. Speaker; I hear all the [illegible] sity to declare War with the most Christian [illegible]

duke Hamilton from Scotland: in consequence [illegible]

Bill of Oaths passed by the Lords, with a [illegible]

[illegible] think fit, not exceeding the number of 12, an [illegible] for their subsistence, not exceeding a third [illegible] pleasure, and no longer."

[illegible] *List; and 700,000l. for the Navy*] April 25. [illegible] for the Charge of the Civil Government, (in- [illegible]

The King's Answer to the Address for a War.] [illegible] Answer to the Address for a War with France, [illegible]

"W. R. I receive this Address, as a mark [illegible] my actions to confirm you in it; I assure you [illegible] to incline me to engage in a war, that may ex- [illegible] in the present case, I look upon the War [illegible] defence.—I shall only tell you, that, as I have ventured myself, and all that is dear to me, to secure this nation from what it suffered, I am [illegible] serving it from all its enemies; and, as I can- [illegible]

[illegible] cles are part of the Charges of the Civil Government: 1. The Perpetuities, amounting to 1431l. 12s. per ann. 2. The sum of 18,209l. [illegible] 3. The sum of 13,800l. per ann. for the [illegible] of Wales. 4. The Perpetuities out of the [illegible] heirs of col. Fairfax) amounting to 338l. per [illegible]

Pension List, &c.] Mr. Hampden acquainted [illegible] entered in the Journals. Which was ordered accordingly; and are as followeth:

[illegible]

Post-Office, &c. - - - - per Ann.

[illegible]

Dean and Chapter of Lichfield	£. 10	0	0
Vicars of Lichfield - - -	15	0	0
[illegible] dersgate - - - - -	7	0	0
For the Poor of St. Magnus, London	21	4	8
[illegible] - - - - - -	12	4	0
[illegible] Wallbrooke - - - -	7	13	4
Winchester College - - -	2	0	0
Master of St. Katherines - -	3	13	4
Eaton College - - - -	42	0	0
Schoolmaster of Southwell - -	10	0	0
To the Vicar of St. Peters, in the Tower - - - - -	6	13	4
Sir Edw. Tyrrell, and his Heirs -	6	0	0
[illegible] Scholars - - - - -	16	13	4
Cambridge University, for a Divinity Lecture - - - -	13	6	8
Ditto, for a Preacher - - -	10	0	0
Ditto - - - - - -	10	0	0
Professor of Civil Law there -	40	0	0
Physick Reader there - - -	40	0	0
Oxford University - - -	10	0	0
Ditto, for a Divinity Lecture -	13	6	8
Professor of the Civil Law there -	40	0	0
Physick Reader there - - -	40	0	0
The Heirs of Sir Rob. Long - -	5	0	0
Master of the Temple - - -	37	6	8
Students of Grey's-Inn, for a Chaplain - - - - - -	6	13	4
The Heirs of Sir John Cotton, for the Maintenance of a Minister -	5	6	8
The Heirs of the Lord Darcy -	10	0	0
Ditto - - - - - -	10	0	0
Dean and Chapter of Westminster, [illegible] Church in the Savoy - -	60	0	0
Governors of Christ's Hospital, for [illegible]	[illegible]	0	0
Poor of St. Martins in the Fields -	100	0	0
Poor of St. Margaret's, Westminster	50	0	0
Hospital of King Charles the First, in Westminster - - -	50	0	0
Poor of St. James's Parish, in Westminster - - - - -	50	0	0

	£	s	d
[illegible] Man	100	0	0
[illegible] Lancashire Preachers	200	0	0
Perpetuities	1,431	12	0
[illegible]	—	-	
Late Queen Consort's Jointure, out of Excise	18,000	0	0
Post-Office	19,328	13	7
Ditto, more by Letters Patents, during her Life, out of Exchequer in general	10,000	0	0
	[illegible]	13	7
[illegible] for Life	10,072	19	3
Ditto, more	1,236	16	1
Ditto, more out of the Revenue in general	6,000	0	0
£	[illegible]	[illegible]	[illegible]
[illegible] of Excise, for Life	3,000	0	0
Duke of Northumberland, out of Excise, the like	3,000	0	0
Duke of Southampton, the like	3,000	0	0
[illegible] during the Life of the longer liver	2,000	0	0
Executors of the Duke of Bucks, [illegible] Years [illegible] 1674	2,500	0	0
[illegible] from Midsummer 1674	1,500	0	0
Christopher Lord Hatton, for the same time	1,000	0	0
Lord Grandison and Colonel Villiers, for Ninety-nine Years, if [illegible] so long live	6,000	0	0
[illegible]			
[illegible] out of First Fruits and Tenths	1,000	0	0
William Earl of Bedford, and [illegible] ess of Bristol, during her Life,	1,000	0	0
Countess of Bristol, for her own Life	1,000	0	0
Countess of Portland during Life	1,000	0	0
Peregrine Bertie, & alia, in Trust for the Countess of Plymouth, [illegible] First Fruits, or Tenths - 2000*l*. }	3,000	0	0
Earl of Peterborough, for Service at Tangier, during Life	1,000	0	0
[illegible] 1680, out of Tenths	1,000	0	0
[illegible] until 14,000*l*. be paid at one intire Payment	1,000	0	0
[illegible]			

	£	s	d
[illegible] for 99 Years, if Frances Duchess of Richmond so long live	1,000	0	0
Earl of Strafford, during Life	2,000	0	0
[illegible]			
Earl of Bath, during Life	5,000	0	0
Earl of Mulgrave, the like	1,000	0	0
Duke of Newcastle, the like	1,000	0	0
Earl of Oxford, the like	1,000	0	0
Earl of Lindsey, the like	1,000	0	0
Earl of Dorset, the like	1,000	0	0
Earl of Macclesfield, the like	1,000	0	0
Ditto more, the like	1,000	0	0
Lord Latimore, the like	1,000	0	0
Earl of Sussex, the like	1,000	0	0
[illegible]			
Lord Godolphin, during Life	500	0	0
Bernard Greenvile, the like	500	0	0
Edw. Progers, the like	500	0	0
Rob. Philipps, the like	500	0	0
Thomas Felton, the like	500	0	0
George Bridges, the like	500	0	0
Thomas Neale, the like	500	0	0
Thomas Lee, the like	500	0	0
Tho. Windham, the like	500	0	0
[illegible]			
Aubery Porter, during Life	120	0	0
John Prideaux, the like	120	0	0
Adolphus Sayer, the like	120	0	0
Robert Killegrew, the like	120	0	0
Thomas Poultney, the like	120	0	0
Thomas Felton, the like	120	0	0
Sidney Godolphin, the like	120	0	0
[illegible]			
Lelia Cramner, during Life	300	0	0
Mary Crane, the like	300	0	0
Lady Frazier, the like	300	0	0
Mary Toke, the like	300	0	0
Ann Sheldon, the like	300	0	0
Winifred Windham, the like	300	0	0
Henrietta de Borde, the like	300	0	0
Joanna Thornhill, the like	300	0	0
Mary Carter, the like	200	0	0
Instrumentals in King Charles [illegible]			
Mrs [illegible] during Life	1,000	0	0
Thomas Lane, the like	500	0	0
Charles Gifford, the like	300	0	0
Mrs. Rachel and Mrs. Frances Windham, the like	400	0	0
[illegible] of his Body	100	0	0
[illegible] two Lives in Being	200	0	0
Francis Reinolds, during Life	200	0	0
Tho. Wintgrave, the like	200	0	0
Sir Thomas Windham, the like	600	0	0
[illegible] and their Heirs Male	100	0	0
Rob. Swan	80	0	0
[illegible] Years from Lady ... 1668	200	0	0
Nic. Estall, during Life	50	0	0
[illegible] the Residue of a Term of 99 [illegible]			

Lady-day 1663; if Nic. Titer[illegible] long live	100	0	0
A[illegible] Life	200	0	0
S[illegible] the like	[illegible]	[illegible]	
Mrs. Mary Boynton, the like	120	0	0
Somerset Fox, the like	300	0	0
Earl of Berks, the like	300	0	0
Mrs. Ann Lawson, the like	250	0	0
Mrs. Ann Goulding, the like	120	0	0
[illegible]	[illegible]	[illegible]	0
Mrs. Mary and Sophia Nevill, each 50*l.* the like	100	0	0
Lady Stepney, during Life	200	0	0
[illegible] the like	[illegible]	0	0
Di[illegible] Michaelmas 1674	100	0	0
[illegible] effect	500	0	
Wm. Levett, during Life	200	0	0
Lady Sophia Stuart, the like	300	0	0
Lady Godotha Price, the like	400	0	0
Mrs. Eliz. Hamilton, the like	500	0	
[illegible] should so long live	850	0	0
[illegible] 31 Years, from Lady-day 1665	600	0	0
S[illegible]	[illegible]	0	0
Ditto more, for his Son's Life	200	0	0
Eliz. Elliott, during Life	500	0	0
Kath. Elliott, the like	200	0	0
Lady Wentworth, the like	600	0	0
[illegible] Re[illegible] each 200*l.*	1,400	0	0
M[illegible] Life	200	0	0
Barbara Strickland, the like	200	0	0
Margaret Price, the like	200	0	
Robert Bertie, during the Life of [illegible]	[illegible]		0
Lodowick Bray, during Life	40	0	0
Mrs. Sophia Bulkly, the like	300	0	0
Nath. Castleton, the like	90	0	0
Wm. Chiffinch, during Life	200	0	0
[illegible] the like	500	0	0
[illegible] 1687	600	0	0
L[illegible] of 500*l.* per Ann. unsurrendered	200	0	0
[illegible] Park	300	0	0
T[illegible] her Jointure	4,000	0	0

There is due upon this, since the [illegible] Three Quarters, 15,000*l.*

Five several Pensions, mentioned [illegible] ments of the Exchequer	1,252	0	0
	£. 114,330	0	1
To the Twelve Judges	12,000	0	0
To the Masters in Chancery	1,100	0	0
To the Judges of Wales	700	0	0
Pensions	158,130	0	1
Perpetuities	1,431	12	0
[illegible]	[illegible]	[illegible]	[illegible]

[illegible] King's Officers.

Perpetuities paid out of the Customs, &c.

[illegible] Hull, for maintaining the Banks and Gates there, paid out of the Customs	18	0	0
[illegible] Berwick, for maintaining the Bridge there, out of Customs	100	0	0
[illegible] tenance of the Cobb there	100	0	0
[illegible] Minister of Lostwithiell, out of [illegible] the Duchy of Cornwall	30	0	0
Lostwithiell Gaol, out of the same	50	0	0
Corporation of Dartmouth, out of Customs	40	0	0
To [illegible] for ever, out of Customs	100	0	0
Perpetuities	438	0	0

[illegible]

[illegible] for Life: viz.

Out of the Excise - 15,000*l.* Letter-Money - - 15,000*l.* Ditto, by Privy-Seal, during Pleasure - 2,000*l.*	32,000	0	0
Duke of Grafton, out of the Ex[illegible] his Brothers	2,000	0	0
[illegible] Earl of Rochester, for 13 Years, from Michaelmas 1676	500	0	0
[illegible] Post-Office Money for 99 Years; if he, the said Earl, or his eldest Son, [illegible] should so long live	4,000	0	0
[illegible] Letter-Money	4,700	0	0
[illegible] of the Duchy of Cornwall	3,000	0	0
Earl of Mulgrave, out of the Alum-Farm, during Life	1,000	0	0

[illegible]

Jane Berkley, during Life	200	0	0
[illegible] during Queen Dowager's Life	152	0	0

Sir Rob. Holmes, during Life	[illegible]	[illegible]	
[illegible] from Midsummer 1672	[illegible]	[illegible]	
[illegible] Alienation Office, during Life	300	0	[illegible]
[illegible] Poor Knights of Windsor	570	5	0
[illegible] for Life	100	0	0
[illegible] for the Life of the longer Liver, out of Customs	100	0	0
Ann and Mary Ellesden, the [illegible]	[illegible]		[illegible]
Julian Conningsby, during Life, out of Land Revenue	200	0	0
Elian. Withers and Joan Hatsworth, the like	100	0	0
Richard Grahme, for the Life of Sir Samuel Moreland; or, if he die sooner, to Midsummer 1692, out of Letter Money	250	0	0
Sir Rich. Allibon, for the Life of James Corker of the Savoy; and, if he die sooner to Midsummer 1692; out of Letter-Money	250	0	0
Tho. Doyley, in lieu of his Place of Engineer of the Mint, out of Customs	100	0	0
Sir Peter Killegrew, out of the Duchy of Cornewall	300	0	0
Major Fincher, a Coldstreamer, out of Ditto, during Life	80	0	0
Major Johnson, a Coldstreamer, out of the same, during Life	60	0	0
Allowed to the Adventurers and Fishermen of Great Yarmouth, upon the Duty of Excise, pay- [illegible] Excise	160	0	0
[illegible] per Chaldron on Coals, in Fee	500	0	0
[illegible]	[illegible]	[illegible]	[illegible]
[illegible] Wood, for 21 Years, from Christmas 1674	800	0	0
[illegible] from the Ninth Day of August 1681	600	0	
[illegible]	[illegible]	[illegible]	[illegible]
Total of the Pensions not [illegible]	[illegible]	[illegible]	[illegible]

Paid at the Exchequer.

[illegible]	[illegible]			159,562	1	1
In Pensions	158,130	0	1			

Payments not made in the Exchequer.

In Perpetuities -	438	0	0	53,708	5	0
In Pensions -	53,270	5	0			
Total of both -				213,270	6	1

[illegible]

[illegible] ship; and two, if there be above twenty; im- [illegible] age is 2s. per ton, imported by strangers: those [illegible] Waller, for a term of 40 years, which com- [illegible] come by estimation, about 11 years) at the [illegible] the said rent thereunto incident, to Trustees, [illegible] land, and the heirs male of his body; with [illegible]

[illegible]

Charles 2, demised to John lord viscount [illegible] host-men of Newcastle, for all sea coals carried from thence, coast-wise, for the term of 31 years, which commenced from Christmas [illegible] and, in 1675, his said late majesty demised [illegible] 612*l.* 17*s.* 6*d.* per ann.: and, in 1677, his said [illegible] and Lenox, and Lovise dutchess of Portsmouth, [illegible] rents reserved on both leases; *Habend'* to the duke and the heirs of his body; and, for want of such heirs, to the dutchess and the heirs of her body; at four nobles per ann. rent; saving to sir Tho. Clarges, and his heirs, a grant, which was before made to him in fee, [illegible]

Coals.

Charles 2, demised to Horatio lord Townsend [illegible] Michaelmas 1667, at 1000*l.* per ann. rent; which lease expired at Michaelmas last: but [illegible]

[illegible]

[illegible] ann. rent; which rent was afterward released: the lease became void by his late majesty's death; but James 2 did, by privy-seal, direct the duty to be collected by officers to be ap[illegible] receiver-general of the customs; who is first to pay the charges of management; in the [illegible] and the rest to Thomas Brodrick and Wm. Jackson, sub-farmers, during the residue of the said term; which will end at Lady-day 1695, unless the privy-seal be sooner determined.

Logwood.

This is an hereditary duty, and was demised [illegible]

Writs.

The profits arising by sealing writs, &c. wi[illegible] the seals of the courts of King's-Bench and common Pleas, is granted to George duke of [illegible] body; with like remainders in tale to his two [illegible]

There is a grant made by the late James to [illegible] royal oak-lottery, at 2200*l.* per ann.; but it not being entered before me, I cannot inform [illegible]

A Particular of old Debts, standing out be[illegible]

		£.	s.	d.
[illegible]	-	13,915	10	[illegible]
[illegible]	-	5,234	10	7
On Additional Excise	-	2,100	0	0
On the Law-Bill	-	5,385	13	7
On Customs	-	74,800	9	[illegible]
[illegible] Vinegar	-	44,850	6	[illegible]
On Fee-Farm Rents	-	62,042	5	[illegible]
[illegible]	-	110,500	2	1
[illegible] North and South Wales	-	[illegible]	[illegible]	[illegible]
[illegible]	-	[illegible]	[illegible]	[illegible]
Four and a half per Cent.	-	5,472	8	0
[illegible]	-	[illegible]	[illegible]	0
[illegible] besides Interest due	-	54,390	4	1
[illegible] yearly Charge of 79,566*l.* 11*s* 2*d.*; upon which there is due for Six Years, at Lady-day last	-	477,400	[illegible]	0
		£. 801,768	12	6½

[illegible]

		£.	s.	d.
[illegible] of the Customs, by Tally	-	20,000	0	0
[illegible] on the Excise	-	20,000		
The City, on the Excise	-	185,525		
[illegible] Money	-	47,000	0	
		£. [illegible]	0	0

		£.	s.	d.
There is an Arrear to the Army and Navy	-	300,000	0	0
There is also a yearly Charge [illegible] Lady-day next, for 6 Years		477,400	[illegible]	

Report concerning Sir T. Armstrong.] Sir [illegible] mittee of Grievances, the matter to them re[illegible] Armstrong [illegible] "That having summoned sir Sam. Astrey, the [illegible] outlawry of Hill. 35 and 36 Car. 2, it appeared [illegible] *sanct. Andreæ Apost.* 35 *Car.* 2*di.* That the Award of prosecution, was *Die Sab. prox. post quindec. let. Trinitat.* 36, upon a *Nihil dicit*, [illegible] lawry. That sir S. Astrey being examined, declared he was present at the Arraignment of [illegible] execution should not be awarded against him, said, that by the statute of 5 & 6 Edw. 6. c. 11. it is enacted, 'That, if the party outlawed shall, [illegible] verse the Indictment or Appeal, that then he [illegible] Jeffreys, that he could pretend to no benefit, [illegible] chief-justice, as that statute requires; and that [illegible] ment against him as a Traitor, and believes he [illegible] examined, said she was in the court of King's-Bench, when her father was arraigned. That he demanded to have the statute of 5 and 6 of Ed. 6. read, and it was refused. That he, likewise, demanded council and a trial, but it was denied; and he urging that Holloway, [illegible] trial, the Chief Justice said they had enough [illegible] the Lord Chief Justice, who said, 'Let it ! I [illegible] from an unknown hand: that he was very [illegible]

[illegible]

Resolved, "That the Award of Execution by the court of King's-bench against sir T. Armstrong, was a high Violation of Justice, [illegible] that a Bill be brought in to reverse the Attainder [illegible]."

Resolutions for raising the Navy Supply.] April 30. The commons resolved, 1. "That [illegible] bills of mortality, since March 25. 1660, except such as are within the Walls of London. 2. That Provision be made in such Bill against the increase of new buildings. 3. That towards the said 700,000*l.* an additional Excise be laid [illegible] according to the rates in the Act of 29 Car. II. for an additional Excise. 4. That a Bill be brought in for applying to the public use all such pecuniary Forfeitures as have been incurred for accepting and exercising any office, or employ, contrary to the act of the 25th of Car. 2. for preventing Dangers from Popish Recusants: and that such persons, who have so acted, may not be employed for the future. (To this an Instruction was added, for a Clause [illegible] then depending.) And that a committee be appointed to receive Proposals for raising Money upon security of lands forfeitable in [illegible]."

[illegible] substance was as follows: "That the said Ed. [illegible] secretary of state, on suspicion of Treason, [illegible] prisoner at the said messenger's house, till dis- [illegible] security for his appearance the next term. In evidence of which, the original warrant signed [illegible] was constantly refused, which was confirmed [illegible] ther with one Mr. Craig, in the sum of 2500*l.* [illegible] mitted a second time (to the Tower) his wife [illegible] but could obtain no answer; which was confirmed by one Mr. Slater. That during his [illegible] him: which she consented to, till an indisposition obliged her to solicit a release; which was confirmed by one Mr. Slaughter. That while the said Prideaux was kept thus closely [illegible] nessed by Mr. C. Speke before his execution; as likewise to Mr. Wm. Thompson of London, [illegible] maker, and Mr. Samuel Key, clothier, both of Ilminster. That the said Prideaux could never [illegible] gentlemen ushers, having applied to several persons [illegible] were one and all informed by the said persons of quality, (of whom the earl of Tyrconnel is mentioned by name) 'That nothing was to be done; For that the king had given the prisoner to the lord-chancellor, (Jeffreys.)' That Mrs. [illegible] did by the interposition of one Mr. Jenkins and one Mr. Jennings, the last of which un- [illegible] of his being left out of the general pardon: [illegible] of 2,400*l.* part of the said 15,000*l.* was paid to sir Robert Clayton, on account of lord Jeffreys, who, likewise, acknowledged the same; and that since the payment of the said sum, lord Jeffreys has made a purchase of two estates of [illegible]."

Ordered, "That leave be given to bring in a Bill, to charge the said two Estates purchased [illegible]."

A Bill from the Lords rejected.] May 4. [illegible] the late king James, being read a second time, [illegible] ruled; and then it was rejected without a di- [illegible]

[illegible] *dress for a War with France.*] May 7. Mr. [illegible]

[illegible]

[illegible] *Capt. Bertie* *, *and Mr. Harbord.*] Mr. *Hampden*, sen. I have taken notice of some angry words betwixt these two gentlemen. I [illegible] and engage, upon their honours, not to proceed [illegible]

Col. *Mildmay.* I hope that you will not put it upon your Books, that a quarrel has been [illegible]

[illegible] up at one time, and no priority, or precedency, [illegible]

Mr. *Harbord.* The gentleman (Mr. Bertie) [illegible] not the use of either of his hands. If I have been ill-used, I cannot pass my word not to proceed farther, without satisfaction; therefore, pray consider with yourselves what you have to do. It is a hard thing for me to acknowledge I have received an injury, and require no reparation for it.

Sir *Wm. Williams.* If Mr. Harbord said, 'There were Pensioners in the Long Parliament [illegible]

Sir *Christ. Musgrave.* I am sorry for the occasion of this debate. As Harbord is a man of honour, so he has expressed great honour relating to the other gentleman. But we ought [illegible] understanding; and, I hope, these honourable [illegible] further.

The *Speaker.* The two gentlemen say nothing; you must lay the commands of the house upon them to declare.

Mr. *Harbord.* I do not conceive myself injured at all.

Mr. *Leveson Gower.* I think these gentlemen both men of honour. It is out of their [illegible] take care they shall not do it. Therefore they [illegible]

Mr. *Bertie.* I apprehended Harbord reflected upon me as a Pensioner. I thought I was reflected upon about the election at [illegible]

Mr. *Hampden*, sen. I heard the words of 'Pensioner—Parliament.' I remember, sir Stephen Fox had questions put to him upon every member of the house about receiving [illegible]

Mr. *Garroway.* The whole thing these gentlemen stand upon is a punctilio, who shall stand up first and declare. I would write both their names, and put them in a hat, and [illegible]

Sir *Christ. Musgrave.* This is a tender point before you, and nicety in the thing. I [illegible] same time, and there underwrite, 'That they [illegible]' [illegible] no personal reflection upon me, I will be satisfied.

[illegible] the house, that no words were spoken of particular reflection by Harbord, but generally as the parliament-men were called over. So [illegible] gentlemen should be more free, without putting [illegible]

Mr. *Colt.* The depth of the matter lies upon [illegible]fore I am for your members coming to the [illegible]

Mr. *Hampden*, sen. I think, it is equal for both their honours. I apprehend, Mr. Speaker, that it is your part to make an Order, 'That [illegible] these gentlemen, upon which a quarrel may [illegible].' This is your duty that no mischief may ensue.

The *Speaker.* It is no dishonour to put these persons under restraint, for it is your work and order; and then friends may inter[illegible]

[illegible] me would frighten me to petition for release? I do not think myself injured, and can it be thought a man of my age would quarrel when I am not injured? If you do commit me, [illegible]

Mr. *Herbert.* I would have you very careful what sort of question you put. One declares, 'he does not think himself injured.' he has done it. All know there were Pensioners [illegible] he should have complained. I would have them both stand up, and declare, as has been [illegible]

Lord *Norreys* *. I remember the case of Westbury. I have heard Bertie say, 'If Harbord will declare he meant not him he is satisfied.'

Mr. *Harbord.* I have heard it said, as if the thing seems too nice; it is not that at all. I could tell tales, if I were provoked, on the other side.

Sir *Henry Capel.* I am concerned for both these honourable gentlemen; one has been my friend these many years, the other is related to me; but it is the house must be judge of one and the other. As for that of Pensions, it has been universally spoken of, and will be

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* Brother to the earl of Lindsey.

[illegible]

* Eldest son of the first earl of Abingdon; to which title he succeeded, on his father's death, in 1690. In queen Anne's reign, he [illegible]

[illegible] may not [illegible] says, 'he is not injured;' therefore, if Bertie will say, 'he apprehends himself not reflected [illegible]

Mr. *Harbord.* To put an end to this, write down what I should say, and I will say it, and [illegible] proposed [illegible] spoken by the two gentlemen, viz. 'I do pro- [illegible]'

[illegible] *the Lords.*] May 8. A Bill for establishing [illegible] mons to their Majesties, and for settling the Crown, was read the third time.

Mr. *Godolphin.* After the limitation, in the first place, upon the king, queen and her [illegible] tation is spent, where will you go next? Where [illegible] out issue? Therefore I humbly offer this Proviso; 'Provided always, and be it hereby declared, That nothing in this Act is intended to be drawn into example, or consequence, hereafter, to prejudice the right of any Protestant prince, or princess, in their hereditary Succession to the imperial crown of these [illegible]'

Mr. *Garroway.* You are upon a high point. I do believe, this Proviso was brought in by this gentleman with a good intention: but, [illegible] limitation of the Act? It is more expressive than the word 'hereafter.' I would not leave any loop-hole in the Bill, for any to come to [illegible] how soon any body may die; therefore I would [illegible] you have named, I would disappoint them all. [illegible] not full, I would have it so, and shall agree [illegible]

Mr. Attorney *Treby.* This Proviso does [illegible] for retaining the proviso, says, 'He respects nobody by it in particular in the Bill, but to [illegible]' Therefore I think the Proviso is useless. Nothing, it is true, is appointed in the bill, farther than the entail upon the persons named; and I [illegible] named shall have issue; but if they have not, the common law provides for it, which is, the [illegible] say, 'a Protestant prince, &c.' it seems to ex- [illegible] drawn into example;' it is only a caution and admonition, that this flattering Proviso will not bind up their power. Rather than have a hand in any thing of a Republic, I would have lost my hand. Where there is a great territory, and a warlike people, as the English are, monarchy is a government fit for that part of the world; the experiment of a Commonwealth [illegible] and no otherwise; let them be what they will, [illegible]

Mr. *Hales.* In this bill, you have not thought fit to go farther than the present king, &c. and in no Acts of Succession farther than the issue of persons in being: but if you take the word [illegible] therefore I would reject it.

Mr. *Ettrick.* I have seen the Proviso, and I believe there is no design in it of favouring [illegible] of other princes, and is an abdication to the whole frame of the government. If there be no heirs of those in the entail, you have left the government to the people. You have great reason to countenance all vindication of yourselves from a Commonwealth; and therefore I think the Proviso fit to be received.

Sir *Christ. Musgrave.* As to the arguments of the word 'hereafter' if subject to such inter- [illegible] with the word 'hereafter.' I would have no doubt to affect the limitations of the Succession in the bill.

Mr. *Hampden*, sen. I never heard of this Proviso before. As it is penned, no gentleman can be for it; and, when it is mended, nobody [illegible] you did so many months ago. You have pro- [illegible] you are going about to do it a-new. I do be- [illegible] reign minister; and do this now in a new bill, [illegible] now to enter into such a matter of state, now to bring in this, to put a doubt upon all you have done already! I am against it.

Mr. *Godolphin.* I hear it said, 'possibly [illegible] foreign minister.' I would have it known, I [illegible] Orange's title, but of her merit only.* That

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* "Whose zeal for the Protestant Religion will, no doubt, bring a blessing along with her [illegible]"

[illegible]

Sir T. Clarges. I conceive, the inducement to bring in this Proviso, is, because the limi- [illegible] mmonwealth; which it may, if the limitation, &c. goes no farther. I heard a gentleman say, 'We did not wisely, not to keep things in our hands when we had them.' This is one reason, why I would have the words added that are moved: Instead of 'hereafter,' say 'after the limitations herein mentioned.'

Mr. Sacheverell. If there be any other per- [illegible] cession, pray let us know him, and not put this in general.

Col. Herbert. I saw a letter of a sister of [illegible] were not regarded in the entail of the crown; therefore I move, that they may be mentioned.

[illegible] gentleman, you see, foreign ministers have been doing in this matter; but you have it answered already, 'That the heirs at common law are asserted to succeed, for default of those in the entail.' I have heard it talked, as if king William was king by Divine Right, and Dominion founded in Grace; then you had best put the question, Whether the king be king, or not? Is not the clause in the Proviso, 'of not drawing it into example,' arraigning all you have done already? In the Long Parlia- [illegible] Commonwealth's-men; and we are told of 'the Rebellion—and 1641—and cutting off the king's head,' and all this for opposing the court's designs, when they were about to de- [illegible] be a Commonwealth. When the Succession [illegible] the thoughts of a Commonwealth then? The first part of the Proviso is a reflection upon you for omitting it before; and the second there is [illegible] comes in by it. Either a foreign minister is in it, or a stratagem from France; and I would [illegible]

[illegible] I know not what thoughts other gentlemen have of the prince of Wales; I have none: but I know we have had a Commonwealth, and a [illegible] ble of amendment, it ought to be retained; [illegible]

[illegible] reign minister,' or that I manage 'a stratagem [illegible] that be proved. This Proviso was suggested [illegible]

Sir H. Goodrick. When I hear this fatal [illegible] with a supposition that we have no liberty of [illegible] much influence here; and we are told of 1641! [illegible] but the Vacancy of the Throne, and the not vacancy, occasions this business; and are we returning to 'vacant,' or 'not vacant,' upon [illegible] against it, doubts the government. The common law leaves all to the right of the suc- [illegible]

Lord Falkland. I disapprove of the Proviso, as it is brought in; but it may be mended, so as to justify your proceedings abroad. It is [illegible] upon the king and queen; it is true, they have no children, and the princess of Denmark none that have lived, though married a great while; so there are but three lives for it; if it [illegible] issue, where is the hurt of this proviso? fortify the proviso against the tale of the prince of Wales. You have Protestant princes abroad, [illegible]

Mr. Howles. Now I understand, by mending the proviso with the word 'hereafter,' I am more against it than I was at first. There has been talk of 'government founded in grace,' but much more mischief if founded in right. [illegible] is not one word in the Act that can prejudice any foreign successor; but this, by a side-wind to come in, makes me suspect it. When the City-Charter was questioned, the king's counsel against it said, 'It was a Commonwealth in a Commonwealth;' therefore I am not for this [illegible]

Mr. Somers. I think there is no hurt in [illegible] the king's sons, and no farther by name; for [illegible] lord Bacon reckons it as one of the wisest [illegible] no farther, but left it to descend. Let us tread in the steps of our ancestors; you have declared the Vacancy of the Throne; but to do this now, would bring a suspicion upon what [illegible]

[illegible] a rider, but refer it to a further consideration.

[illegible] an ingrossed Clause was offered as a rider, to [illegible] and is as followeth: "That, from and after this present session of parliament, no dispensation, by *Non obstante*, of or to any statute, or any part thereof, shall be allowed; but that the same shall be held void, and of no effect, except a dispensation be allowed of in such [illegible] Provided that no charter, [illegible] or pardon, [illegible] be any ways [illegible] this act; but that the same shall be and remain of the same force and effect in law, and no other, than as if this act had never been made." To this the house agreed. The Bill was then passed, and ordered to the lords.

[illegible] May 10. The house in a committee on the Supply, Resolved, "That a Subsidy be granted [illegible] 12d. in the pound [illegible] year, upon all lands and houses, &c. according to the true intrinsic value; as likewise on all personal estates, household goods and stock excepted; and also upon offices and employments, the officers of the Army and Navy excepted;" and a bill was ordered accordingly.

[The Petition of G. Speke, esq.] The same day, George Speke, esq. presented a Petition to the house, complaining of certain arbitrary prosecutions against him, by Mr. Burton and [illegible] pretence of Treason, by which means a Verdict was obtained against him, and a Fine set upon him of 2000 marks: that afterwards, by indirect means, a Bill of High-Treason was found against his wife, and that he [illegible] to compound the matter at the [illegible] and praying relief. Upon which a Committee was appointed to examine the matter of fact, and report the same to the house.

[Sir H. Monson and [illegible] for refusing to take the Oaths.] May 13. The [illegible] that sir Henry Monson, member for Lincoln, attended according to [illegible]

Mr. *Garroway.* Before you call him in, [illegible] Oaths, he cannot be a member, and ought not to have a place here.

Sir *John Thompson.* I hope you will be as [illegible] them. If he has not sat, I know not how he [illegible] time to consider, &c. and I hope you will give [illegible]

Sir *T. Littleton.* We are no court of justice, [illegible] new writ to chuse one in his place.

[illegible] the Oaths, their place is void; but, as for giving him time to consider of it, it appears not yet that he refuses them. I believe, in some time, you will see the government will be obeyed; and in a few months you may see [illegible] not of the same allegiance. Therefore I would [illegible]

[illegible] You cannot hear him in his place, neither is it proper that he answers at the bar, being yet no criminal; therefore let him [illegible] to the table, to be [illegible] Oaths there.

Sir Henry Monson was then called in, and the Speaker thus spoke to him: "The house having taken notice that you have staid a great [illegible] yourself to take the Oaths of Allegiance, and [illegible]"

Sir *Henry Monson.* I am sorry I cannot [illegible] vernment; and I do submit myself to the pleasure of the house.—He then withdrew.

Mr. *Arnold.* He knows that the refusal of the Oaths is a crime at common-law, and by statute-law. I would have him made an example.

Mr. *Edw. Montagu.* I know him to be an [illegible] he voted for the Bill of Exclusion, and de-[illegible] reasons are for not taking the Oaths, I know not.

Mr. *Pelham.* I believe, as has been moved, [illegible] man have a title to your favour, he may. No [illegible]

Sir *Tho. Clarges.* I never knew an honester man; both the son, and the father, true public-spirited men. I have sat long in parlia-[illegible] directs in this case of refusing the Oaths; therefore I would not enlarge your jurisdiction [illegible] ther member in his place.

Mr. *Leveson Gower.* I have sat in several parliaments with this gentleman, but I did not expect this from him. I would have him sent for in again, and a little time given him to consider.

Resolved, "That sir Henry Monson be discharged from being a Member of the house."

[illegible] the same manner.

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* [illegible] of London, had absented themselves from the [illegible] enjoined to be taken; and they were therefore summoned to attend this day. See the Journal

Lord *Fanshaw.* I have been under a long [illegible] town, in the evenings, yet I was under a course of physic and diet, and since I was absent, an Act has passed; and being not qualified by taking the Oaths, I could not properly appear here.

[illegible]

Lord *Fanshaw.* I must give a plain answer to that question: I am not satisfied to take the [illegible]

Sir *Tho. Littleton.* I suppose the house will [illegible] that they did with sir Henry Monson.

Resolved, "That lord Fanshaw be discharged from being a Member of the house."

Debate on the Heads for a Bill of Indemnity.] May 14. The house resolved itself into a Committee [illegible] Heads for a Bill of Indemnity*.

Sir *Wm Williams.* I suppose you indem- [illegible]

Sir *Rd. Temple.* Take the Act of Indemnity of Ch. 2. before you, and then you will see the Exceptions. I would extend them to [illegible] their country and government.

Col. *Austen.* I believe that, though persons [illegible] done with all worth; but let things find out persons.

[illegible] That Act of Indemnity [illegible] the better precedent. Consider, first, what Exceptions [illegible] pardoned; and next, consider that of 12th Ch. 2.

Mr. *Sacheverell.* Crimes of state are never to be forgiven. Name what crimes are not [illegible]

Mr. *Carter.* If I take it right, the king has [illegible] never find out persons. There is some dis[illegible] things, we shall set the whole nation on fire. I [illegible]

[illegible] that Act read; and many things in it must be [illegible] this age, that this Act cannot reach. We must [illegible] things and men as no age ever saw. I know we have a large field of things and men: things of the worst nature are the largest field; therefore consider the nature of things; and if I ever move in favour of thing or man, I will tell you [illegible]

Sir *Rd. Temple.* I agree with Howard in all but his last motion; not that I am an advocate for any person, but for the whole na[illegible] things, we are in a wood, and shall never get out of it; and I despair that the Act will ever come to good. I would put men's minds in [illegible] instruments.

Sir *Henry Capel.* If it be the sense of the committee, that all shall be forgiven, I am content; but what we do, is for satisfaction of the government, not that any gentleman can be pleased with this. I think to begin with things; and to prevent heats, I take this idea; as if in the country, they complain of hardships from the Judges, men of the robe, who throw dust in the eyes of juries; so if you take consideration of crimes against the laws, and [illegible]

[illegible] consequence it will be to make a multitude of offenders. There are many offenders, and you [illegible] no other end in this Bill, but to reconcile men's minds to the government; and those you de[illegible] them, we know. When France was in combustion, it was the great care of Henry 4 to punish some, and leave the rest in some degree of favour. I desire, therefore, that you [illegible]

Sir *Robert Cotton.* The king has sent a [illegible] as when satisfied that they have a gracious merciful king. I know the consequence of the beginning of the last government. Those in the West did see such a shambles*, as made

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* "The king thought nothing would settle [illegible] after,) Wright, who had been Lord Chief Jus[illegible] Solicitors in the former reigns, were in prison; but the hottest of the Whigs would not [illegible] many under the lash; therefore they proceeded [illegible] be brought to a ripeness during this session." [illegible]

* "After Monmouth's Rebellion, Jeffreys was sent the Western Circuit, to try the prisoners. H[illegible] was ever heard of in a civilized nation. He show[illegible] sure to relate his proceedings in the drawing room, and at table, calling it 'Jeffreys's cam[illegible]

[illegible] you will leave such jealousies in people, as that they will not think themselves safe; it will [illegible]

Mr. *Harbord.* I hope you will not pardon [illegible] have renounced God Almighty? I move they [illegible]

Mr. *Harley.** I think the king in his Message [illegible] for satisfaction of justice. 'There is a crime,' God says, 'he will not pardon,' innocent blood. A gentleman said, 'The West was a [illegible] common discourse amongst the ministers, that [illegible]

Sir *Robert Howard.* In those that were perverted and changed their religion, it was treason. Suppose you name the man, there must be an appendix of his crime; and must that man be a sacrifice for that particular [illegible] You must either take notice of all, or forgive all things, that the invention of times has found out of equal nature. In the Bill for repealing [illegible] but not a word of the murderers: shall it be [illegible] Keeling. Try one way first; name any one [illegible] without foreign examples; we had often occasion [illegible] yet it was agreed, that such a number should [illegible]

Mr. *Hawles.* I am for excepting persons by particular names; but we are now only [illegible] intend not to pardon murder, nor robbery, &c. [illegible] utterly destroy the government, which in king [illegible] Cornish's Trial, one of the most barbarous trials!* Had I been concerned in it, I should have thought I deserved death as much as Vrats, that killed Mr. Thynne. Make it, that the Indemnity shall not extend to such and such persons, or such and such things.

[illegible] you may involve more than you think of. Do you [illegible]? I mean only the notorious persons. Persons [illegible] pardons before you can reach them; you must not hunt the herd, you will never single any. I would begin with the Chancellor,† a lawyer, and he to destroy all law! I would except him from pardon in his honour and lands.

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* Son of sir Edward Harley, and Speaker [illegible] and the first of queen Anne. In 1704 he was [illegible] the Treasury, and Chancellor of the Exchequer [illegible] High-Treasurer, which place he resigned four [illegible] is as follows: "Harley was a man of a noble [illegible] turned to politics, and of a restless ambition. He was a man of great industry and application, and knew forms and the Records of [illegible] of lengthening out and of perplexing debates." [illegible]

* "At the beginning of king James's reign [illegible] accusing others. Goodenough, who had been under-sheriff of London, when Cornish was sheriff, offered to swear against Cornish; and also said, that Rumsey had not discovered all he knew. So Rumsey, to save himself, joined [illegible] seized on, tried, and executed, within the week. If he had got a little time, the falshood of the Evidence would have been proved from Rum[illegible] were lodged in remote prisons for their lives. Cornish, at his death, asserted his innocence with great vehemence, and with some acrimony, but a just indignation, complained of [illegible]

† Jeffreys, then in the Tower.

[illegible] your own methods? To answer Lowther, if [illegible] As for the seizing Charters, there was [illegible] like that; that cuts up all your liberties by [illegible]

Mr. *Garroway*. I am at a stand what I [illegible] crimes, you will be tender, and go but a little way. I would not dabble in blood; I would, from my heart, forgive them, but from pecuniary penalties I would not exempt them. [illegible] fines, and not to bear office for the future.

Col. *Austen*. I hear it said, 'that people [illegible] lived in a sphere, at such a distance, I could [illegible] by a spirit in the dark, and unless you conjure [illegible] mation, &c. I would set up marks of severity for public justice; this is part of the king's directions. I would distinguish the things, and [illegible]

Sir *Christ. Musgrave*. I think there is a [illegible] 'that possibly the offences may not be Treason, [illegible] therefore I move that you will proceed upon persons, and not things.

Col. *Birch*. I think it absolutely necessary [illegible] rise. I would not leave the matter under an alarm, but, before you rise, leave them to what [illegible] sons, you are in for a great while. Methinks you may go a nearer, and a surer way; for when you come to an Act of Oblivion, I sup[illegible] but for a small number for life or limb) and that blank be filled up; and, for all others, though not excepted for life or limb, yet I [illegible] the government. The thing I drive at and design, is, to make an end. Put a certain [illegible] bearing office; then you will be easier under [illegible] showed, I shall be as forward as any man, but I think justice is necessary. If you go on in [illegible] enumerate all sorts of crimes, you will go the [illegible] of so many sorts; one of the greatest crimes that struck at your foundation was that of [illegible] laid so early, that it will be a great way to [illegible] *particeps criminis*? This will be a very long [illegible] of crimes, shall be first? To save a friend, [illegible] nature, but your end is to terrify men for the [illegible] 1660, (perhaps in as great a Revolution as ever the nation was under,) you set down 10, or 20, [illegible] incapacity of offices, according to degrees of [illegible]

Sir *H*[illegible] for the Dispensing Power? When you have [illegible]

Sir *John Lowther*. I believe it impossible to name crimes before persons; the season of [illegible] circumstances, the first promoter and adviser, [illegible] dissatisfaction; therefore I am for naming per[illegible]

[illegible] to your men. I am not for 40 nor 15, but put it upon that head 'not exceeding ten;' [illegible] feuds of families hereafter.

[illegible] first Vote was, 'but 7 for life, and 20 more [illegible]

Mr. *Hampden*, sen. I rise only to rectify [illegible] rest, for other offences, were deprived of bearing offices. Many of the house may remember [illegible]

Resolved, "That it is the opinion of this [illegible]

[illegible] the house. [illegible]

[illegible] freys) I would therefore have him attainted, [illegible]

[illegible] they have shed.

[illegible]

[illegible] fore this is a particular case [illegible]

[illegible] Power.

[illegible]

Major *Wildman.* When I consider that the [illegible]

[illegible] demnity.

[illegible]

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† See note, p. 214.

[illegible] three or four years. If this must pass for doctrine, we may go home, and the king may raise [illegible] with the Statute 'de Tallagio non concedendo,' and raise what taxes he pleases. King Ch. 1. would have been at it, and had Judges for his [illegible] and some were put in unqualified. They began with Dispensing with the Act for Hackney-[illegible] with all the laws. I am for declaring this [illegible] alike; for some did it out of weakness, others out of fear, and not out of the dictates of their judgment. As for the King's Counsel, if the Attorneys and Solicitors, with tufted gowns, impose upon illiterate men, pardon the illiterate, and punish the learned counsel. Just so do it; if otherwise, you throw up all your [illegible]

Sir *R. Howard.* I would serve you with a question, if I could. The gentleman who spoke over the way, ever gives instruction; I [illegible] because a *Non obstante* may be given man by man particularly, it should be used judicially. [illegible] allowed. Here is a general execution armed [illegible] fesses there was a secret providence. When [illegible] places, as fit to be excepted in the Act of Indemnity.

Sir *Wm. Williams.* There are two parts of the law, the constitutive part in the king, lords, [illegible] *quens*, in the judges. The other is a tacit law, and a silent law; they make the law speak, [illegible]

Debate on the Bill of Indulgence to Dissenters. [illegible] 17 [illegible]

Sir *Henry Goodrick.* I move you to give no Indulgence to them, who will give no Oath [illegible] Quakers [illegible] Bedlowe? Under this mask, 'according to [illegible] hazard the government both of Church and State.

Mr. *Paul Foley.* This is much mistaken, that the B[illegible] not at liberty. They must subscribe, and there is a law in force already to tie them up from preaching against the Church of England; you [illegible]

Sir *Tho. Littleton.* I am sorry to see some in the house differ from what they were at the [illegible] religion, we thought the Scriptures the best [illegible]

Mr. *H*[illegible] titles. In France there was a toleration to [illegible]

Sir *Tho. Clarges.* The gentleman reporter forgets to tell you, that the Quakers said nothing of this at the committee. 'According to the Holy Scriptures,' is a large field. They [illegible] of the Scripture; which will be full of controversy.

Col. *Birch.* I beseech every gentleman to [illegible] years, and I never thought they would come so near us as in this Declaration, and now under a doubtful word, to throw out all that has been done! I am glad these Articles of Religion [illegible] I like the Articles of the Church of England very well, but the Scriptures much better; the Apostles still tried all things by the Holy Scriptures. Having brought the Quakers in so far, I hope, in time, we may do it further.

Mr. *Ettrick.* I am as much for Indulgence to tender consciences as any body. If I apprehend right, they are not to preach against the Doctrine of the Church, as it is in the Articles. As to belief, believing it is as they please; the only thing to be restrained is, not to write against it, and that only to be remedied. They say, 'The Doctrine of the [illegible] disputes.

Sir *Rob. Howard.* I am rather of opinion [illegible] I have for 7 years desired such a bill without success. In this point, you will give occasion for dispute and controversy. To tell a man, 'he shall forbear to write against a thing,' is no hardship; 'but that he shall not believe it,' is. The Articles are turned to the Scripture; [illegible] will say, it is not in Scripture, and so they will raise endless disputes. I am glad we are so [illegible] doctrine of the Church of England, and would [illegible]

Sir *Rob. Sawyer.* This Bill declares the profession of faith in other words; 'you shall not preach nor write against the Church of England;' this is only a saving to the words; they will say, 'if we can prove that these Ar- [illegible] insinuate this. They are at liberty to write or [illegible] according to Scripture: else you will set up a new [illegible]

Sir *Tho. Clarges.* This Bill establishes a sort of bill contrary to the Church of England. I would therefore have it temporary and probational. I cannot foresee what it may reach to, therefore I would have it for 7 years only, and to the end of the session of next parlia- [illegible]

Sir *Rob. Howard.* I hope this will bring [illegible] were found in seven years before. This tenderness will bring more than all the persecu- [illegible] the anvil these seven years without success. It [illegible] Church would never suffer it: and now, in the [illegible] temporary clause! You had as good grant them nothing at all; thus to deceive them into an Indulgence, and cramp it with time. Let us [illegible] 'That the necessity of affairs induces this,'—it is not worthy of a parliament to say so. I do not restrain it to 7 years, to diminish it; but if we do it, is it not fit for us to limit it? If I thought it not for the church, and for their benefit too—I desire the Clause may be read.

*****. To make the thing temporary, will look like design. I would have it as large [illegible] said against it is, 'That an ill use may be made of this.' I hope the church of England will increase daily by it. If they make an ill use of it, there will be always enough in this house to take it away. The late king James offered [illegible] ran into it to be deluded: and I look upon [illegible]

[illegible] selves,' it is the only way in the world to make them a dangerous party, and against you, to throw this out. In king James's time, they, through necessity, did comply; and God knows, in 7 years, what change there may be; [illegible] they do? I would not give them occasion to throw themselves out of the protestant interest. We hear of a general Indulgence in Ireland, [illegible] after parliaments alter it, if they see cause; let us pass it.

[illegible]

Mr. *Godolphin.* I have a great deference for the other side. I beg pardon, if I am not convinced by their arguments. The liberty [illegible] have experience, in 7 years, of their deportment.

Mr. *Hampden*, sen. I am against the Pro- [illegible] same reason may be, to make every bill a probationer as for this: I hope the dissenters will deserve it, and you do it upon a presumption [illegible] time, they are lending a considerable sum for uses you will approve of, I am sure. I cannot [illegible] have not repealed the laws they are punished [illegible] by them. The repeal of the 35th of Eliz. pass- [illegible] I am not willing to remember: That act is the [illegible] gion is the church of England; by which, if [illegible] Bantry Bay; though, according to Burnet, it [illegible]

Debate on the Habeas Corpus Suspension Bill.] May 22. Mr. *Hampden*, sen. What I shall move you, is for the king and the nation, 'That the Act for Habeas Corpus, &c. may be suspended for a time.' The lords shortened the time of the last bill, not you. Dangers usually come not in a day; growing dangers, and the consequences, are [illegible]

[illegible]

passing it?

[illegible]

least; for we must go home, and then it will

[illegible]

[illegible] have, upon suspicion, been clapped up, and [illegible]

[illegible] suspend it.

[illegible] against it.

[illegible] no free Elections; and there is no danger in [illegible] the Justices there is a failure, and it may be amongst the deputy-lieutenants; those are the life of the government; and if they will not [illegible] government do to keep us in safety? I think, upon these circumstances, this Bill may be for our safety.

[illegible] known Westminster-hall as long as I have, nothing has been [illegible]

Mr. *Foley*. I know, Westminster-hall Judges have judged necessity in case of Ship-Money, and no inference that they may do it again; but that certainly we are in danger from Ireland and France, and some amongst us. If I am informed right, there were never so many Louis-d'ors in payment: a third part of great [illegible]

Sir *Tho. Clarges*. This Bill is the most un[illegible] in parliament. We have had a struggle for it [illegible] necessities, to dispense with this law! I am [illegible] from corrupt times. I hear it said, 'We should not shackle our Prince.' In Oliver's [illegible] Cromwell said, 'Princes must not be shackled.' [illegible] Act. But what other offence can it be unless that? It grieves me to hear this; would you have a man committed to prison because he wears his hat on one side? It is said, 'Persons will not acknowledge the king and take away horses; is not this treason?' If Justices of Peace are not yet named, the Secretaries of State may send all over England. And where [illegible] of the loss of Ireland, but upon the ministers of state? You are told, 'That, in Monmouth's Rebellion, [illegible]' They had a good action, and might have had remedy. I am afraid of this. I tremble at the question, and desire no such motion.

Sir *Rob. Howard*. I hear divers arguments against this Bill; but I think it gives great veneration to the Habeas Corpus Act, that it cannot be suspended but by act of parliament. By the judges it cannot be sus[illegible] they will make an act of parliament in their bosoms. I wonder, in the last Act, that the lords should reduce the time so short as to make the Act useless; but, I apprehend [illegible] used, and you see little use was made of it in that time, but I do not wonder that you [illegible] tlement of the whole nation. I observe, when [illegible]

we are in, I think the Bill necessary, and I am [illegible] Other than this I know no safety; therefore I move for this.

Mr. *Harbord*. We are told, 'If 3000 men [illegible] saved.' I would ask that gentleman, what 3000 men he would have had sent over? To [illegible] with the Dutch. Those sent over have betrayed Londonderry, and those sent since have mutinied. I know not how Clarges can an[illegible] till you meet again—and the nation lost.

Sir *Tho. Clarges*. I called upon two hands [illegible] persons, and that is another remedy.

Mr. Comptroller *Wharton*. If Clarges says, 'The ministers were the cause of the Miscarriage of Ireland,' it may be he was one; but [illegible]

Sir *Tho. Clarges*. I desire I may be vindicated. I am arraigned for debates; we ought [illegible] of the Miscarriage of Ireland!' I desire to have

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* "King James sent a small body before Londonderry, which was often changed; and [illegible] months, in which the poor inhabitants formed themselves into great order, and came to generous resolutions of enduring the last extremi[illegible] Irish always ran away, and left their officers, [illegible] betray it to king James; but he, finding them [illegible] suaded them that nothing could be done; so [illegible] account of the state they were in, that a se[illegible] came in sight, made not that haste to relieve them that was necessary, considering the misery they were in. They had a river that came up to their town; but the Irish had laid a [illegible] teries for defending it. Yet a ship sailing up with wind and tide broke through: and so the [illegible]" [illegible]

[illegible] casion.

[illegible]

the bill, and more concerned for the king, who [illegible]

[illegible]

[illegible] is not from a fiction of my own, but it is really [illegible]

[illegible] time.

[illegible]

[illegible]
to bring misfortune to deprive gentlemen of [illegible]vernment.

[illegible]

mans gave up all their laws for a time to the [illegible] 126 to 89.

[illegible]
read; setting forth, "That, in 1678, he discovered a horrid Popish Conspiracy against the
[illegible]
the Protestant religion: of which several par-
[illegible]
so fully made thereof: for which reason, and
[illegible]
witnesses to accuse him of capital crimes: but,
[illegible]
request, had allowed him; and instigated the
[illegible]
speaking this notorious truth; viz. 'That he.
[illegible]
of Rome: and that it is high treason to be so reconciled;' wherein a Verdict and Judgment
[illegible]
mitted to the King's-Bench: That, after this,
[illegible]
tended perjuries, in his Evidence concerning the conspiracy: which they brought to trial in
[illegible]
and were disbelieved, and through the par-
[illegible]
unparalleled sentence; viz. to pay to the king
[illegible]
with a Paper on his head, having this inscription, 'Titus Oates, convicted, on full evidence, of two horrid Perjuries;' to stand in and upon
[illegible]
day; and to be whipt again, on the Friday following, from Newgate to Tyburn; to stand in
[illegible]
of his life; and to remain a prisoner during
[illegible]
with all barbarity, upon the petitioner; lying
[illegible]
whilst weak in bed; and attempted the pull-
[illegible]
back; and threatened to destroy him; pro-
[illegible]
weight for a whole year, even when his legs
[illegible]
in the dungeon; whereby he became impaired
[illegible]
imprisonment hath reduced him to; and prayed
[illegible]

Ordered, That the said Mr. Oates, and his counsel, be heard at the bar of this house this
[illegible]
mittee appointed to prepare Heads for the Bill
[illegible]
"1. That the asserting, advising, and pro-
[illegible]
of public justice. 2. That the commitment and prosecution of the seven Bishops, is another crime, for which some persons may justly be
[illegible]
Ecclesiastical Causes, is another crime, &c.
[illegible]
was granted by parliament, is another crime,
[illegible]
keeping up a Standing Army in time of peace,
[illegible]
That advising, procuring, contriving and acting to the surrender of Charters, and in the alteration and subversion of Corporations, and in
[illegible]
rights and freedoms of elections to parliament, to counties, cities, corporations, boroughs, and
[illegible]
informations, or otherwise, are crimes, &c. 7. That undue constructions of law, and the undue
[illegible]
capital crimes, are other crimes, &c. 8. That
[illegible]
&c. 9. That the requiring excessive bail, im-
[illegible]
to the Statutes, is a crime, for which some
[illegible]
Littleton, delivered in his Report from the
[illegible]

[illegible] follows: "That from the year 1678, to 1688, [illegible] 9s. 6d. which makes a difference of 500l. unacknowledged; that he charged himself with [illegible] 1,438l. 0s. 10d. Total of both Receipts, 43,551l. [illegible] charge themselves jointly, with having received [illegible] Mr. Burton to Mr. Graham out of the Money [illegible] Burton: that they farther charge themselves [illegible] Howard, as a reward for prosecuting col. [illegible] 3 years salaries.—That it appears by the Ac[illegible] most of the said Moneys were paid to witnesses, jurors, solicitors, council, and to themselves in prosecutions of pretended criminals. —[illegible] lamere, 585l. 6s. 5d. Mr. Hampden (for pre[illegible] 527l. 1s. 6d. Alderman Cornish, 316l. 11s. [illegible] Sir Tho. Pilkington, 264l. 7s. 10d. Mr. S. [illegible] a Quo Warranto against the City of London, [illegible] contrary to the laws of the land, as 3 and 5 guineas a piece to Middlesex Jury-men, and [illegible] —That sometimes they retained 8, 10 or 11 council in a cause, to whom great fees are set [illegible] late king; particularly in the case of sir John [illegible] then were employed in procuring, hiring, and [illegible] abovementioned pretended criminals. —In [illegible] one Cragg, a prisoner, 100l. quarterly if he [illegible] Macclesfield, lord Delamere and major Wild[illegible] kept a close prisoner in Newgate, without fire [illegible] ledge at Oxford; that together with the at[illegible] (who was condemned and executed) a copy of [illegible] 8 years.—That though no cause is assigned in [illegible] lord Jeffreys to the Tower, they find it to be notorious, that he was instrumental in the [illegible] Armstrong. And it is expressly avowed in [illegible] tions in the West, after Monmouth's Invasion, [illegible] sede the laws; many shocking particulars of [illegible] likewise a principal concern in these arbitrary proceedings; for which, in the opinion of the [illegible]"

Resolutions thereon.] Sir Thomas Littleton [illegible] "That the chairman of the grand committee [illegible] clesiastical causes. And a Resolution was passed accordingly; as likewise that schedules [illegible] service of the house; as likewise, that the [illegible] examine the cases of prisoners in the Tower, [illegible] and make a schedule of them."

[illegible]

[illegible]

Mr. *Colt.* These delays must lie at somebody's door. A poor parcel of people defended themselves bravely, and gave a stand to the [illegible] thing of the matter, but that it was one of the marine regiments. I would have this part of [illegible]

Mr. *Howe.* I gladly stand up to second this motion, and I hope, before we part, to [illegible] Ireland perished in the ships by ill provision; [illegible] fenders than they that executed it. I see no justice done upon them; and I should regard them no more than a footman in the streets. I find stones thrown at my back, and I know not who does it, but if I find persons in the crowd that are my enemies, I believe they did [illegible] vemence they did king James, I hope affairs [illegible]

Mr. *Smith**.] I heartily join in this motion, but the motion is properly "for a committee [illegible] Ireland, &c."

Sir *Rob. Howard.* I would willingly do the [illegible] ourselves principally to this business. I am glad I now stand in a parliament, where I may [illegible] in this, must go against his judgment; I am [illegible]

[illegible] You have made a bill [illegible] land is of so ill consequence, and a question, [illegible] My opinion is singular, and therefore I mis[illegible] home. We have a king of that great mind, [illegible] executing martial law, he will not do it. But as for the lords, we have a late Judgment in Oates's Case—I will say no more of that. If you are wanting in this, you send word to Londonderry to give it up. There is a thing called [illegible] mons to do it. Though the king will not come to it, yet I am of opinion that the act itself is [illegible] we are like to have a melancholy session when we meet again. I move that a Committee may [illegible] of an Impeachment. I would have a search, and a speedy search, into these things, that [illegible]

Mr. *Harbord.* I hope we shall not only [illegible] sent that too to the king. As to Ireland, no[illegible] some places, and defective in others. There [illegible] visions too! Either they are guilty of the [illegible] A Court Martial will handle these men tenderly, and I do not know whether an Impeachment will reach them; but if you do nothing, [illegible] straitened: I sent the person to take away [illegible] he will be at Glasgow in sixty hours. I have long foreseen such a storm as this, and I have [illegible]

Mr. *Hampden*, sen. I move for instructions to your committee to enquire into a fresh pur[illegible] been committed for great abuse; on complaint, [illegible]

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* "Mr. Smith was a man of clear parts, [illegible] treasury, and chancellor of the exchequer: He [illegible] in 1705, by a majority of 44 voices, in oppo[illegible]

[illegible] the rabbit bolt. I would have instructions [illegible] year. I would enquire into these things in [illegible]

Sir *Joseph Tredenham.* If there be no other [illegible] not to your end. Therefore I would have it [illegible]

Mr. *Boscawen.* I know not why we should [illegible] should be particularly named, not only in the [illegible]

The *Speaker.* The Committee are to report only the matter of fact, and it is proper for you [illegible]

Sir *Rob. Clayton.* It is a thing admirable to me, that col. Richards, who raised the first [illegible] tain it. I would have this for Instruction to the Committee.

[illegible] til it was reformed, which is now; but now [illegible]

Mr. *Harbord.* I would have it enquired into: but I have heard Mr. Blathwaite, the secretary of war, say, 'that the king would have a proper person to go, and sir George [illegible]

[illegible] I wonder gentlemen should twice repeat this of lord Lisburne. The first regiment was Les[illegible] the Papists were turned out of it; as good a [illegible] more proper, was ordered for Ireland.

Mr. *Howe.* I am glad of this good beginning. But I would have this Committee to [illegible] should have had 30, and why so many ill men [illegible] sense to manage, and so put in king James's officers; one bucket goes in, and another out. I would enquire into those that give these advices. It is said, in the country, we are be[illegible] those who are under Impeachments for crimes, [illegible] we do but what we ought.*

Mr. *Holt.* We are beholden to Londonderry; if that had not made a good resistance [illegible] I never expect redress of these Miscarriages, till we come to the root. If Londonderry Mis[illegible] king James's creatures are now in office and [illegible]

Resolved, "That a Committee be appointed [illegible]

[illegible] nity.] June 3. Mr. *Howe.* I move that you proceed upon the Indemnity; and, as for Offenders, I would shake them off gently from my hand like a viper, but when it is upon the ground I would tread upon it, and destroy it, [illegible] to place them; the main of our miscarriage is, [illegible] Unless we enable the king, he cannot do it. I am sorry you give the Money at four quarterly payments: I would have had it at two. I will not presume to make you a motion, but I [illegible] on Thursday on this Indemnity.

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* "The same day, Mr. Howe, vice-chamber[illegible] parliament, and had betrayed the [illegible] of their mismanagements in former reigns, [illegible] ried in the affirmative. But this is not over-likely; because, on the morrow, Mr. Howe renewed the attack, and was supported by a great many: but the opposite side requiring them to [illegible] it, the motion fell; and all that Mr. Howe and [illegible] carry this Resolution, "That the king's pardon [illegible]" Ralph, vol. ii, p. 127.

[illegible] be of any ill consequence to his majesty; and besides, that a place at court should never si[illegible]

[illegible] But I see we have no Fleet gone out, and the French are coming out. I thought all the wisdom in the world could not have brought us to the pass we are in, much less the indiscretion. *Qui non vetat, prohibet.* I suppose it is the [illegible] ward in these affairs: for the miscarriage there is no question of. I should be sorry to put [illegible] something for the safety of ourselves. I look [illegible] that is all I desire to be delivered from; but I would have those persons that are obnoxious withdraw themselves, without any farther trouble; but I cannot believe that those who have [illegible] to the last, are fit now to be in council.

Sir *Henry Winchcomb.* I second the motion [illegible] James's council to the last.

Sir *Wm. Strickland.* I would look for what [illegible]

Sir *Ralph Dutton.* It seems, by the silence of the house, nobody is in fault; therefore pray [illegible]

Sir *John Guise.* Every body is satisfied that [illegible] come within the Indemnity. I know not but [illegible] When they are at the stern of the government they may do us hurt in point of trade. The [illegible]

Sir *Wm. Williams.* I see men have a quiet and easy spirit upon them. I will make bold to rouse them. I move for the Bill to assert [illegible]

Mr. *Howe.* It is in vain to assert our Li- [illegible] them; they were always our liberties.

[illegible]

Mr. *Howe.* There are a great many Heads to speak upon. If counsel have done ill, and [illegible] If it be their faults, it may move pity; if [illegible] at a cart's tail. King James left Pardons to many: I would know therefore, if Pardons are [illegible] are, we had as good except nobody; therefore [illegible] or no?

Sir *John Thompson.* I wonder gentlemen [illegible] the whole nation, I know not why they should still sit in the lords house under impeachments: [illegible]

Sir *Wm. Williams.* It has been said, 'that [illegible] through.' Whether a general Indemnity, or with exceptions,—that sticks in our teeth. You must either pass a round act, or leave out all. As long as this hangs in the air, men will be desperate. In the first place, take care for the crown and the government; and the next thing to do is the means, either by an universal [illegible] be pleadable. Though I have suffered by parliaments, I will vindicate them while I live. If you will lie under your own breaches, I can shift for myself as well as another, but I will never complain of my particular. I have no [illegible] impeached persons. I cannot forget the par- [illegible] peachments? Not one message to the lords yet sent about them. At least we ought to come [illegible] Pardons, and, I hope, learned men will not retract their opinions, that a pardon is not pleadable to an Impeachment in parliament. We are in a young government; you would not have that point lurking; either declare that it is a bar to an Impeachment, or not; and then [illegible] said this is too hot a question for the com- [illegible] commons a vexatious question, to say one thing and do another? If Pardons from a prince be a bar to Impeachments, farewell to redressing Grievances! It is a vain thing ever to attempt it again; you will be like the com- [illegible] rected. I move this for posterity, that the [illegible]

Mr. *Hawles.* It is necessary to state this matter controverted; how a Pardon can be allowed to be a bar to Impeachment: It is [illegible] cept have pardons in their pockets, if so, you [illegible] the crown into a protestant family, the Judges were prevailed upon, by him, to give their Opi- [illegible] Pardons, after they gave, they would give them.' [illegible] had their Pardons in the other; the whole [illegible] declare it. Do it now, and declare what the [illegible]

Col. *Birch.* I think this point was debated [illegible] found fully in your Journals, without a nega- [illegible]

[illegible] is farther debated, I will tell you my thoughts. [illegible] Not that I stand in justification of persons ac[illegible] benefit. I would have a matter of this dan[illegible]

Sir *Henry Capel.* I have observed, that of [illegible] give Money, is it a parliament, or a senate of [illegible] nuts? It is of the greatest consequence in the world that saying, 'That the king does no [illegible] ters? In Germany, though he be a sovereign prince, he is accountable to the Assembly of [illegible] be redressed. If the king's ministers, after ill [illegible] I would have but one king, and the ministers, [illegible] as ourselves. You are told of a Bill of Attainder, and that is a summary way of proceeding, you may read it; but if not by Impeachment, it is a good way to prevent all pro[illegible] "That an Impeachment of the house of commons is a bar to all Pardons."

Sir *Rd. Temple.* If it be so, I would declare it, but if not, make no reflection on it. For[illegible] those the king could not pardon; but by Hen. 4, all appeals of treason were taken away; as well as in murder and felony, the king could [illegible] None declare that this is a law. I should be glad if we could come at it, and I should have [illegible] I profess, I am doubtful, when no man has asserted this to be the law of parliament. It is [illegible] but in a christian way, and an Act may be [illegible] would not assert a thing we cannot make good [illegible]

Sir *Wm. Williams.* I am called up by Temple: he has refreshed my memory. If a sub[illegible] is not pardonable, because it is at the suit of [illegible] and it was resolved in the negative, and the commons sat down by it; but God forbid, all [illegible] in modesty! Can he give one instance, that ever a pardon of an impeachment was allowed in parliament? The law of reason is for it.

Sir *Rob. Howard.* I have no mind to speak for this case, that the commons should have this turned into a law; we should be so fatal a people that all your Petition of Right would be damned by it, and must that have a blemish [illegible] ever you desire to be a law, is not lawful till confirmed.

[illegible] the king's prerogative, or the right of this [illegible] must have a pardon; and in pleading that [illegible] otherwise than you do, you will have a foil in [illegible] a great consideration here, as well as in the lords house. I move that you will go on with [illegible]

[illegible] precedent or judgment upon pardons pleaded, we must go to a parallel case. This is an Appeal to an Impeachment, and then a parallel [illegible] a private case of an Appeal, much less what is against the public. As to what is said of [illegible] that mentioned of Edw. 3, &c. there is a little weight in that.

Mr. *Brockman.* I wonder this should be so debated now. I remember a stamped pardon [illegible] formerly occasion conferences? Lord Anglesea managed for the lords, and as great a de[illegible] agreed, 'that it was no bar to an Impeach[illegible] cluded, 'That in intermission of parliament [illegible] this is true in fact.

Sir [illegible] If that be [illegible]

[illegible] I doubt the lords did not declare it.

[illegible] and demanded Judgment of the lords, upon lord Danby's pleading; therefore before you give your Judgment, see how the method [illegible]

Sir *Wm. Williams.* Lord Stafford was im- [illegible]

Resolved, "That it is the opinion of this house, that a Pardon is not pleadable in Bar of a [illegible]

[illegible] Sir *Robert Howard* [illegible] Oates's [illegible] He said, Such [illegible] I shall not be reconciled to, unless they love whipping and perpetual imprisonment, and no confirmation of the Popish Plot. I do acknowledge the lords the supreme judicature in parliament; but I know the legislative power may repeal a Judgment they have given. The lords have affirmed the Judgment in the King's Bench against Dr. Oates, and that a minister [illegible] his priestly and canonical habit there: I hope [illegible] of this opinion. This was a temporal Judgment, and lord chief justice Jeffreys gave it. [illegible] place 'barbarous,' and an Algerine Judgment [illegible] Oates be brought to trial for perjury, but no- [illegible] than that his testimony should be sufficient against lord Stafford, and yet he be convicted [illegible] future. [illegible] lords house gave their Opinions, 'That the [illegible] I have said all this, I would not have Oates exempted from trial of Perjury, but not the [illegible] of the King's Bench confirmed, to have these fatal effects; imprisonment for life, pillory, whipping, and to confirm the [illegible] all that, and it may be to reverse the Attainder of lord Stafford, and void that trial. The lords have found no error in the Record, and therefore have ad- [illegible] of it; and now I leave you to judge, whether a Bill be not fit to be brought in to reverse all this.

Mr. *H*[illegible] be a question of the Popish Plot—I am for forgiving faults—The Romans had a respect [illegible] must be whipped again. I am so much for the Church of England that I abhor all these [illegible] sons that no witnesses may be believed. I second [illegible]

Sir *Wm. Williams.* If Perjury be excepted out of the [illegible] excepted, and you cannot remedy it but by a Bill. I speak not for the sake of Oates, but for the [illegible] reversal. It is not fit that it be mingled with the indemnity, but be by itself a reversal, that such [illegible] future. You have no way to void it but by act of parliament.

[illegible] Robert Howard reported, That he, with other members, had according to the order of the house, inspected the Journals of the house of lords, relating to the Judgments against Mr. Oates: and that the Entry [illegible]

"*Die Veneris, 31 Die Maii*, 1689. Whereas, by virtue of their majesties writ of error, returnable into the house of peers in parliament assembled, a Record of the Court of King's-bench was brought into this court on the 4th of April 1689, with the transcript thereof, wherein Judgment is entered for and on the [illegible] Titus Oates, clerk, upon a Judgment for Perjury: [illegible] Pollexfen, their majesties attorney-general; and, after hearing counsel for the said Titus Oates, no counsel appearing for their majesties, on the 26th of April last past, after due consi- [illegible] thereupon; it is this day ordered, by the lords spiritual and temporal, in parliament assembled [illegible] Titus Oates, be and is hereby affirmed; and that the Transcript of the said Record, wherein Judgment is entered as aforesaid, be remitted."

"The tenor of which Judgment, to be affixed [illegible]

'Postea, scilicet 4to Die Aprilis, Anno

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* "Oates was convicted of Perjury (in 1685.) [illegible] discredit his testimony: and he was condemned [illegible] be a prisoner for life, to be set on the pillory in all the public places of the city, and ever [illegible] and the next from Newgate to Tyburn; which [illegible]

* Lord Russel's chaplain, most cruelly [illegible]

[illegible]
have done. I move for a Bill to repeal this
[illegible]

Serjeant *Maynard.* We do not know yet
[illegible]
and then you may have recourse to the Record,
[illegible]

Serjeant *Maynard.** I was in court when
Oates was tried: he was indicted on two
[illegible]
never saw evidence delivered with more vigour
[illegible]
latter, but the Chief Justice told him, 'that
[illegible]
Omers at the time, all would did.' I was present when he gave his Evidence in this place; he said it once, and twice, and varied it not, but some would have it a third time. I was
[illegible]
a person of quality; he could not say it was
[illegible]
suborned to swear things against him of a filthy
[illegible]
and it fell out, one crossed the other in the evidence. Says one, 'It is true.' Says another, 'It is not true.' Why should these two
[illegible]
suborned? There is a man called sir Roger
[illegible]
maintaining Church, publishes, 'That Oates
[illegible]
York;' and, 'that every magistrate, or chief
[illegible]
Oates's trial. Whether true or false, Oates was an enemy to the Popish religion. I speak
[illegible]
but could not be heard.

Mr. *Hawles.* You have heard of some peo-
[illegible]
law against any man, nor ever so exacted, and this gives occasion for people to talk, 'that
[illegible]
odd hundred pounds. I have known, that when a jury have had a guinea more given than or-
[illegible]
jury are used, so are the witnesses. I would have this Judgment against Oates called 'a cruel and illegal Judgment,' and so to vote it.
[illegible]
must do more; for when there is a Record in the King's-bench, there it remains. I would
[illegible]
have given, but you may complain of it as a
[illegible]
house with you; vote it a Grievance and you
[illegible]

Sir *W. Williams.* I think this will be too little. The lords are a court, and have recorded
[illegible]
reverse it, and it is not safe for the Judges to give another Opinion in the King's-bench; but
[illegible]
This man is a clergyman, and to be unrobed,
[illegible]
and so to continue during his life—how a court of law can do this, I am unsatisfied. But what we are to consider of is this, whether a subject
[illegible]
be a precedent for whipping, but for all these
[illegible]
Judges may be most injurious in punishing, this
[illegible]
of peers. This is the case; and what is there fit for us to do? but one thing; and that is to
[illegible]
versal of that Judgment, as illegal. If we vacate the Judgment only, that will not do; the con-
[illegible]
future. But if, by law, you declare it illegal and erroneous, there is an obvious objection, 'that the lords will not agree to the Bill;' but
[illegible]
Opinion against it, (but that is not upon record). I do not deliver it as history, but it confirms
[illegible]
verse it by Bill, as illegal, and that is worth a thousand votes. The writs of error that Oates
[illegible]
sal.

Col. *Birch.* We are now a great many gen-
[illegible]

[illegible]

Plot a ridicule, but when a jesting business [illegible] to suppress it. Under a popish prince, I expected much more than from Omers, I dare not call it St. Omers; and now that any body [illegible] or else I had made a warm Report on the Monday. But as the commons are made black by this Judgment, so I would have a Bill to make [illegible] us, and lay the black where it should be.

Mr. *Howe.* I am sorry we are under sufferings; still the same hands are upon us. If we have a Bill to vindicate ourselves, we are sure [illegible] I would vote this Judgment 'illegal, cruel, and a [illegible].'

[illegible] Judgment is not for Oates's sake, but for the sake of the Popish Plot. I think there was so much art used to get that Judgment, that, for that reason, I would lay it to heart. I wish the same spi[illegible] things again. I think it not amiss to add to the question, 'That it is your opinion that this Judgment against Oates was a design to stifle [illegible] spent upon the Trial.' I would have something [illegible]

Sir *Henry Capel.* This Judgment has a bottom deeper than I can well express it; it cost dissolving three parliaments. I remember when [illegible] chair at Oxford, to dissolve that parliament, when we were upon the point of discovering Fitzharris's Plot.[*] If we pass this Judgment [illegible] Vote, 'upon suppressing the Popish Plot,' the [illegible]

[illegible] us, and what it cost, but, besides that, many [illegible] no waiter. Therefore I move as before.

Sir *Tho. Lee.* Every body has agreed in the end; we differ only in the means. The con[illegible] every body, and, perhaps, if to do again, would not be done; the consequences were not foreseen as observed. 'Tis to establish a rule of punishment hereafter. But consider, Oates was [illegible]

[illegible] conviction relates to Ireland, the Jesuit; we [illegible] on popery; do but deem the Judgment to be 'cruel and illegal,' it will do the business.

Mr. *Hawles.* I like the question relating to the Plot. I have as ill an opinion of those that [illegible] I move that you will declare the verdict 'corrupt.'

Sir *Robert Cotton*, of Cambridgeshire. I am [illegible] clog it with the 'corruption,' people will think it arises from corruption, and not from the nature of the thing.

[illegible] if you reverse only that in the King's-bench, we have not our end.

Mr. *Garroway.* If ever we obtain this Bill, you have your end; therefore avoid all words that may gain a dispute betwixt the lords and us.

Sir *Tho. Lee.* The Judgment against Johnson was but a bare misdemeanor for a libel; therefore take that within your Bill

Sir *Wm. Williams.* Pass a Vote upon that Judgment only, for in that you may go in the ordinary way, and I believe the lords will reverse it.

The *Speaker.* That against Johnson is but [illegible] the degrading, that is no part of the record.

Sir *Tho. Lee.* I observe one thing, in the reversal by the lords. I would have the busi[illegible] ticular judgment the thing was at an end; but they did it by a Bill. It is not your part, as the commons of England, to bring a writ of error; pray let one Bill serve for all.

Sir *Wm. Williams.* I would not have recourse to the last remedy, but in the last case. I would not do it by Bill. In the case of lord [illegible] pernicious Judgment,' given in 5 Charles. It [illegible] that Judgment was taken notice of; and, at a conference, the commons brought the Vote [illegible] 'illegal and pernicious;' and voided the Judg[illegible]

Sir *Tho. Lee.* I am not willing to run into controversy with the lords unnecessarily. I remember that Judgment in lord Hollis's case delivered at a conference. I have observed, [illegible] the consequence. At the conference, the commons carried up the Vote; and when the lords agreed it, they began to reflect, 'We have let the commons into judicature;' therefore they put lord Hollis upon reversing it, by writ of [illegible] judicature.

Resolved, "That Bills be brought in to reverse the Judgments against Mr. Oates and [illegible]

Farther Debate on the Heads for the Bill of Indemnity.] June 12. Col. *Birch.* I did

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[*] See vol. iv, p. 1339.

[illegible] bless God, that the parliaments did what they did, in the last parliament; if [illegible] had done no more than what they did in relation to the Test, and Popish Plot, we should [illegible] ments: if any ill things were said in that parliament, let them go, and thank God things were no worse.

Sir *Tho. Clarges.* I am sorry you are diverted from the business of this day, upon account of that parliament. There was a great deal done there for the Protestant Religion; but the great fault of that parliament was, that it was filled with people depending upon the court. I cannot say there were Pensions then; that was the great fault of the Long Parliament: I hope we shall see no more such. There was an Address to the king, in that Parliament, about the Test; a worthy gentleman (Mr. Birch) was [illegible] it: but if the question be, what things were spoken in that parliament, though there were [illegible] brought, parliaments will have great discouragements for the future. I hope those who did amiss then, have repented; and pray put no discouragements upon people for what they have said in parliament.

[illegible]. No account is to be given out of the house, for what is done there; the account is only to be given here, else you shut up all our mouths; and I move you to put this off from your hands.

Sir *Rob. Howard.* It is not at all the question, what was said in king James's parliament, but what was there worth taking notice of against the Protestant Religion. One [illegible] of the Exclusion-Parliaments; another, spirited with claret, seconds the motion. I shall never forget a worthy member (Clarges)* holding two Statutes of king James in his hand, and declaring them contradictory to one another. I shall ever honour him for it. We are ordering a committee to inspect the Journals relating to the Plot, in order to the matter yesterday relating to Oates; which I think very [illegible].

Mr. *Sacheverell.* As for the proceedings of [illegible] justify it in many respects. I would have a [illegible] into the Ill Counsels, of raising Money against the law; but if this should rake into a great number of persons, I am against it. [illegible] now about the king, I have no such kindness for my brother, if he stands before me in this matter; but persons that may be of use, I would be tender of; but if he give a jealousy to the nation, I [illegible] England's interest.

Mr. *Howe.* To explain my motion about [illegible] the last parliament, they who thought the word 'Protestant' not fit to be in an Address to king James, and to leave out the word 'Popery,' are not fit to sit here; and I would take some notice of it. [He meant Mr. Bickerstaff.]

Sir *John Trevor.* I desire the Journals of that parliament may be inspected. Care was taken both at the committee, and in the house, then; and you will find the Report was never then made relating to the Popish Plot; but, in reality, [illegible] was only for 'that part of the Journal relating to the Bill of Exclusion, to be expunged.'

Mr. *Godolphin.* I had the honour to be of that parliament so reflected upon. I was out of England when I was chosen. I cannot justify all that parliament did; but as for what is said of the giving what was asked, it [illegible] neither give land-tax, poll, nor subsidy; but, that parliament was for the Prince [illegible] suppressed two rebellions in England and Scotland: I wish other parliaments may do as well. I would not have enquiry made into men's actions in parliament, lest after-parliaments do the same by you.

Sir [illegible]. For that very reason, I would look into what they did amiss. One [illegible] it as an argument, 'because others are questioned, we may be,' it is an argument of our sincerity. Let this, and all parliaments, be questioned.

Mr. *Howe.* As to what Godolphin reproaches us of 'taxes and poll,' I hope we shall never attaint men, and seize their estates, without evidence.

The Debate went off, and the king's Letter was read relating to the Indemnity, dated Jan. [illegible]

Sir *Robert Cotton*, of Cambridgeshire. The advice the king has given in his Letter may contribute to the forwarding the business of the Indemnity, and satisfaction of the nation. Nothing will more settle the nation, than a quiet peaceable spirit amongst ourselves; and as the king [illegible] subjects, so I hope we shall proceed with that temper as may quiet the nation, by as much moderation and unity [illegible] excepted, as possibly the nature of the [illegible] bear.

Mr. *Howe.* Pray lay a foundation: no man that has a falling house will live in it with [illegible]. For want of a foundation, a new building can never be strong. As to the king's Letter [illegible] so for ever; but, as I wish to God we may forget what is past, so likewise that we may punish those who [illegible] our liberty and religion. Some, in the worst of times, did die martyrs for it. As I would forget [illegible] things in time past. I would have as few excepted out of the Indemnity, as may be [illegible] any man; but I would not give encouragement [illegible] the same things [illegible]. The guilty are in haste to be forgiven, and the innocent fear a return of the same ill things. I hope we shall have a temper to what [illegible]

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* See vol. [illegible] p. [illegible]

[illegible] read [illegible]

Mr. *Home.* You are going upon a Com- [illegible] them upon it, and advised, are rather to be excepted; but if you name a committee to bring [illegible] chuse whom you will make examples of, and [illegible] dication of what was done. I hope we shall [illegible]

Marquis of *Winchester.* The Prince's Declaration turns all upon evil Counsellors: I [illegible] but if they still remain here, those are the per- [illegible] the first to the last. I move for a Committee [illegible]

Mr. *Hawles.* I wish you had gone on in order of time. This is the last, though first read. [illegible]

Sir *Tho. Lee.* I have sometimes sat here [illegible] them not as a whole faggot, but stick by stick, and you may break them.' Take them man by man, and you may come to your end.

[illegible] know [illegible]

Mr. *Howe.* Before you take out a stick, lay [illegible]

[illegible] I move for a committee to bring in the names of them all.

[illegible] was a fictitious plea.

Mr. *Hawles.* You will find it was a real plea: send for the clerks of that court, and they will inform you, that Hales was at no charge in the suit.

Mr. *Foley.* I cannot see how we can proceed, unless by a Committee. Other Judges [illegible] than those named. Where a judge's opinion [illegible] great a criminal as those who gave their opi- [illegible] ported, you cannot give an opinion.

Sir *Wm. Williams.* I doubt we are going into a wood. You have received the Record [illegible] was Easter term, 2 James. Go into the courts, [illegible] If I was a judge, I would confess the thing [illegible] ner were for it: I speak only on my memory. [illegible] given, those who concurred with the rest are [illegible] ter his judgment without design. A man that [illegible] inclined, was confirmed in his opinion. I take [illegible]

Mr. *Hampden.* Let a committee be ap- [illegible] every head, and then report it, and you may [illegible] persons. My chief reason is, I would not have [illegible] upon general fame; else, instead of doing jus- [illegible] Indemnity shall not have the mercy of this house, nor of the whole kingdom. Every gen- [illegible] tisfy himself in the matter of fact; and any [illegible] have been published, and I shall say the less of that; most gentlemen, I presume, being satis- [illegible]

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* "Sir Edward Hales, a gentleman of a noble family in Kent, declared himself a papist, [illegible] mons; and such as were not clear to judge as the court did direct, were turned out; and, [illegible] places. Some of these were weak and ignorant to a scandal. The suit went on in a fee- [illegible]

[illegible] the general Declaration, I could never find any [illegible] up by the roots, and the law of no force; no- [illegible] ever will follow such a precedent, so justly de- [illegible] to exception, and let justice go with mercy.

Sir *Robt. Howard.* I suppose you will go further than the four Judges; to the advisers [illegible] sons visible, and who are matter of record; without a committee, it is impossible to have names. Therefore I move, that you will go upon the several Heads, and those to be referred to a committee, to name persons in re- [illegible]

Sir *Tho. Lee.* I would understand what it is you are about: whether an Act of Indemnity, or pains and penalties? I conceive you are not going by impeachments, and I suppose [illegible] this opinion, or who that; if so you must go all England over. No man can miss the name of a man, if he please, they have been so notorious. These Heads lead you to every man you will except, and these are obvious.

Mr. *Brewer.* Whoever the judges were, they are great criminals; but I would have the offence certain. I dare say, no Judgment was ever given in the Declaration, but you [illegible]

Mr. *Howe.* I suppose it is not designed [illegible] Head, though one of the last of Grievances: but I would have them distinguished from mankind. I would know those who broke the hedges, and let in the cattle; and then see [illegible]

Sir *Robt. Cotton,* of Cambridgeshire. I am against a committee: I think it will alarm the whole nation. I think the former Indemnity did quiet the nation, and I hope this will. I [illegible] whole nation can distinguish them; therefore I am against a committee.

[illegible] danger of a Committee. I wonder at this doctrine, 'that a committee should alarm the nation.' Is it not an alarm to the nation to have a Dispensing Power, and Judgments against corporations? I wonder this should go so high [illegible] is said) to 'alarm the nation.' No such offences were known before; such powers were never known before: the very roots of parlia- [illegible] or no, to enquire into persons; but you must have a committee to enquire into the courts of justice; and I move, that you will go upon Names; and I think it will be for the content [illegible]

Mr. *Hawles.* I know not the custom heretofore, in bills of this nature; but I see no inconvenience in a committee. The officers of the court may give the same information to a committee as to the house. It is the shorter way to examine it before a committee, only to enquire into Officers and Judges. It may tend [illegible]

Mr. *Ettrick.* I desire an end of this as [illegible] circuits and the jails are full: your Act may come too late into the country. To enquire into the Advisers and Assisters will take up a great deal of time. Those who were notoriously exemplary I would put a mark upon; and let the others go off without any mark, and clear.

Mr. *Sacheverell.* I have not known, but if gentlemen are willing to relinquish a question never put, but that it has been laid aside; and [illegible]

The *Speaker.* I moved it; and gentlemen said, 'No, no.'

Col. *Birch.* If I knew the man, the mark you would shoot at, I could speak better. It is a plain question, 'Whether you will refer it to a Committee, or no?' If to a committee, then you are to give Instructions.

Mr. *Coningsby.* This Bill of Indemnity has been called 'a walking ghost;' and if you adjourn the debate, it will always be a shadow, and not regarded; therefore I am for going on.

The question for a Committee passed in the negative.

Sir *Tho. Lee.* I hope one day more will [illegible] and if I name a person with king James, I do nobody any harm. I name lord chief justice Herbert * to be one excepted.

Mr. *Howe.* I am against naming Herbert; [illegible] other fault; he has modestly retired and left our company. I would leave him out.

Ordered, "That the Officers of the King's-Bench bring in who were the Judges in sir [illegible]"

Debate on King James's Declaration.] June

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* "There was a new chief justice found out, very different from Jeffreys, sir Edward Herbert. He was a well-bred and a virtuous man, generous and good-natured. He was but an indifferent lawyer, and had gone to Ireland to find practice and preferment there. He unhappily got into a set of very high notions, [illegible] His gravity and virtues gave him great advantages, chiefly his succeeding such a monster as had gone before him. So he being found to be a fit tool, was raised up all at once to this important post." Burnet.

[illegible]

13. The house was informed that sir Adam Blair, captain Vaughan, captain Moyle, Dr. Elliott, Dr. Grey, and several others, had dispersed a seditious and treasonable Paper, printed, and entitled A Declaration of king James [illegible]

Mr. *Hampden.* Before you read the Declaration, I would not have it pass for doctrine, [illegible] what is [illegible] by 25 Edw. 3. If you take not that for granted, we shall never be safe, nor any government, if you cannot declare treason. There are other ways of destroying the government than by raising armies. But it would be strange if you should not call that treason which is tantamount to treason. Read the Declaration, but let not that pass for doctrine.

Col. *Birch.* I did expect this, and ten times more, when a Bill from the lords lies by us about Treason. I desire one of those Declarations may be read, found upon the persons taken.

Sir *Robert Clayton.* I found my lord mayor at his house, examining those persons; and the people that took them took these Declarations upon them.

The Declaration was then read, as follows:

"JAMES R. Although the many calumnies and dismal stories, by which our enemies have endeavoured to render us and our government odious to the world, do now appear to have been advanced by them, not only without any ground, but against their own certain knowledge; as is evident by their not daring to attempt the proving these Charges to the world, which we cannot but hope hath opened the eyes of our good subjects to see how they have been imposed upon by designing men; who, to promote their own ambitious ends, care not what slavery they reduce our kingdoms to: yet we cannot but rejoice that we have had an opportunity to demonstrate the falseness and malice of their pretences, since our arrival in this kingdom of Ireland, by making it our chief concern to satisfy the minds of our Protestant subjects, the defence of their religion, privileges and properties, is equally our care, with the recovery of our rights. To this end, we have preferred such of them, of whose loyalty and affection we are satisfied, to places both of the highest honour and trust about our person, as well as in our army. We have, by granting our royal protection to such whose estates are seized by the acts of our rebellious subjects, dispelled their apprehensions, and effectually secured them against the attempts of their private enemies. Our ear hath been always open to their just complaints; and so far hath our royal mercy been extended to those who were in arms against us, that we have actually pardoned several hundreds of them; and most notorious criminals are kept in so easy confinement, as they [illegible] acknowledge. We have taken care that our subjects of the Church of England be not disturbed in the exercise of their religion, the possession of their benefices and other properties; and all Protestant Dissenters enjoy the liberty of [illegible] we have [illegible] as the first [illegible] parties, [illegible] liberty [illegible] put an end to these divisions, which have been the source of all our miseries; being resolved, as much as in us lies to entail liberty and happiness upon our people, so far as to put it out of the power of our successors to invade the one, or infringe the other. And this, we take God to witness, was always our design; of which we [illegible] the great number of those who, having been seduced or frightened by the restless importunities of our enemies, are returned to their country and habitations, and who assure us daily, more would follow, if the ports were open: but the usurpers know too well the sincerity of our intentions, to permit a free passage of our said subjects, fearing nothing more than that their experience should undeceive the rest, who are restrained more through ignorance than any ill intention; and therefore deny them that liberty which we afford to all, whose designs, we are satisfied, tend not to the disturbance of the peace.—By this our gracious and royal care of our Protestant subjects here (where the greatest part of our nation is Catholic) and have, as well as we received the highest provocation from their fellow-subjects of contrary persuasions; so that nothing but our own inclination to justice, and desire to see our people flourish, could move us to such a proceeding; we hope our subjects in England will make a judgment of what they expected from us: and we do hereby promise and declare, That nothing shall ever alter our resolutions, to pursue such and no other methods, as by our said subjects in parliament should be found proper for our common security, peace and happiness. And that none may be debarred of assisting us in recovering our rights, and redeeming our people from their present slavery, out of any apprehension from past miscarriages, we do hereby assure all our subjects, of what quality soever, let their crimes against us be never so great, that, if, in twenty days after our appearing in person in our kingdom of England, they return to their obedience, by deserting our enemies, and joining with us, we will grant them our full pardon, and all past miscarriages shall be forgot; so little do we delight in the blood or ruin of our people. But if after this our gracious condescension, they shall still continue to assist our enemies and rebels, we do, before God, charge all the blood which shall be afterwards shed upon them and their adherents. And, we doubt not, by the blessing of God upon our arms, to force the most obstinate to their duty, though as we have made appear in reducing our rebellious subjects in this kingdom, we desire to use no other method [illegible] lenity and mercy.—Given at our Court at

[illegible]

these; and I hope it will strike such a terror [illegible] tion enemies. I am not of opinion to impeach [illegible] names; it may be reflection upon families of [illegible]

Mr. *Hampden.* I think we are under some [illegible] tian names. I would not have imputations [illegible] say, 'Dr. Grey to be impeached, who spread such a Declaration;' and then to-morrow, [illegible] the lords; you may pass such a Vote and describe them.

Sir *Wm. Williams.* A person that draws [illegible]

Serjeant *Maynard.* I am against Impeach- [illegible] nished. These Papers are high treason; an [illegible] and legally. Let the Judges lay it as a charge [illegible] sistance to support it. I desire this prosecu- [illegible]

Sir *Tho. Clarges.* I was of opinion, that impeachment was the best way for your justice. I am altered since, from what I have [illegible] have speedy justice, the term now in being, three or four days in term time; indictments [illegible] the nation, and I would have prosecution at [illegible]

[illegible] against the government, I would bring in the [illegible]

Sir *Henry Capel.* This is a point of safety, [illegible] have we not a king to command his officers, [illegible]

Sir *Wm. Williams.* If you proceed against [illegible] a special Commission of Oyer and Terminer,— [illegible] the face of the kingdom; but if he be impeached in the name of all the commons of England, it gives a dignity and honour to the [illegible] tied to this or that county; 'tis left indefinite [illegible]

Sir *Tho. Littleton.* The greatest consider- [illegible] commons dare take notice of this? and men may take farther encouragement, and say, 'it seems the house of commons dare not meddle, [illegible]

Serj. *Maynard.* I have as much zeal for [illegible] here, and am grieved at the slowness of proceedings; but when you may do it by law— This act was done in London, in a tavern in [illegible] eight or ten days; but here is a clear offence: [illegible] men are in their judgment, not yours. One [illegible] will work more upon the people than ten Im- [illegible] ample, not to try without the lords, I do not know the consequence. I come here with [illegible]

[illegible] will go by impeachment, or indictment? I am for impeachment. I do not think this to be a plain case of treason, by 25 Edw. 3. I do say, no court can judge this offence to be treason; [illegible] perior court of parliament, but the inferior only. Look but over the statute of 25 Edw. 3, [illegible] way is, to judge this high treason; and therefore I am for proceeding by Impeachment.

Resolved, "That the persons who dispersed the Declaration, viz. Dr. Elliot, capt. Vaughan, sir Adam Blair, capt. Mole, Dr. Grey, &c. be [illegible]

Mr. *Howe.* Several are now in town who [illegible] think it fit that the house give their opinion, 'That all such persons withdraw themselves [illegible] I shall name them, if you please, that they [illegible]

Col. *Mildmay.* For what they have done [illegible]

[illegible] again, and it be too late to remedy it, I desire [illegible] councils.

Mr. *Hawles.* It was the opinion of lord chief justice Hale, 'That if the government [illegible] sel's—Upon the business of the Charters, some went out, and others came in; but only [illegible] could not swallow that. Whilst there are [illegible] Russel's Jury you know, and the giving new Charters to have voted a parliament after their mind. You have been well moved to know who were the privy-council at that time.

Sir *Wm. Williams.* It is not the cards, nor the dice, they are but the tools; it is the hand that cheats you. I have gone post often, [illegible] to go to the fountain, the great Council, in the Declaration, and they will betray one another: we must go to the visible Council; the committee of Trade, the Cabinet-Council. The [illegible] then; the post-horse failed them—He did afterwards destroy the Charter, and break that, [illegible] one another.

Mr. *Garroway.* I think, we are not going [illegible] hither, about calling 'Magna Charta,' 'Magna Farta.' They will tell you who did it.

The *Speaker.* Such as have been Judges you may send for by warrant? but to such as [illegible] the lords.

Mr. *Hampden*, jun. These Judges laid it down for doctrine, 'That there was no Treason but against the person of the king; the [illegible] is a treason against the realm, which the king cannot pardon; the king cannot be without a [illegible] 'That an Impeachment continues from parliament to parliament:' will you suffer the Popish [illegible] and not be prosecuted? I move, that you will appoint a Committee, to enquire by whose authority those lords were delivered out of the Tower, illegally; and send to the lords to [illegible]

Sir *Christ. Musgrave.* The question is, for [illegible] you in the way. For method's sake, divide the question; one by way of Order to appear, and the other by way of Desire to appear.

[illegible] against one of your members (sir Rd. Temple) for being an undertaker to carry on a business with lord Bristol.* The house sent to lord [illegible] Bristol prayed, 'that he might come into the house to give an account of it, because he might speak his own words.' He came, and [illegible] little here; and I do not doubt but the Judges [illegible] ben, Mr. Justice Gregory, Mr. Baron Neville, [illegible]

Sir *Wm. Williams*, names sir Francis Pem[illegible] Mr Serjeant Montagu, sir Francis Wytheus, [illegible] Instructions to the Judges, &c.

Mr. *Howe.* I know not how to take notice of the Cabinet-Council, nor what it means; I know not whether it be a lawful council; I [illegible] cabinet-counsellor: but I would desire the king to deliver us from those that were Coun[illegible]

[illegible] ordered, or desired, to attend the house to-morrow.

[illegible]

Lord Chief Baron Atkins, Mr. Justice Dolben, Mr. Baron Neville, Mr Justice Powell, and Mr. Justice Gregory, were severally called in.

The *Speaker.* My Lord Chief Baron, the occasion of the intimation the house gave you of their desire, &c. is to be informed of some [illegible] time, you were turned out of your Judge's [illegible]

Lord Chief Baron *Atkins.* "I suppose there were several reasons. There was a great [illegible] diston and Mr. Soames. The cause was of great expectation and consequence in the King's-bench. Judgment was given for the plaintiff, [illegible] writ of error. Eight Judges argued, (there was a great appearance) and Ellis and myself [illegible] reverse it; which, I suppose, was not accept[illegible] other things objected against us. In the circuit, I declared against Pensions to parliament[illegible] me. I went the Oxford circuit with Scroggs, where Scroggs called Bedlow 'a perjured person.' I told him, he had passed Judg[illegible] Petition from my lord mayor, &c. for the sitting of Parliament. I was willing to avoid all occa[illegible]

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* See vol. iv. p. 269.

'That Petition was high-treason.' At last, I [illegible] about the king's Power, 'Whether he might [illegible] Proclamation.' I said, 'It was most proper for a parliament—If the king would do the work of a parliament, we were like to be without a parliament.' I said, 'In case the people [illegible] met with, and punished.' I advised against [illegible] about selling Offices. I found they were dis[illegible] the business of Pensions; that may be hereafter; but I would principally drive at the dis[illegible] Power. This, he has told you, was as to other [illegible]

[illegible] advantage and interest of France; if they had [illegible] ginning of our woes; and now especially, when we have a war with France. I would have [illegible]

Sir *John Lowther.* Such a question is irre[illegible] proper question.

Mr. *Howles.* We are not tied up to one head, to enquire of a Witness. The lord chief [illegible] pensing Power; he was turned out long before [illegible]

[illegible] would know who said it to you?

Lord Chief Baron *Atkins.* "I did drop that [illegible] favour the king had conferred upon me; 'that I had attended diligently in parliament, and [illegible] king had thought fit to send me 500*l.*' I replied, 'I thank you; I will not accept any thing for my attendance in parliament.' Sir Stephen Fox asked me, 'why I would not send for my money? I have a good sum lies by me for you.' I did take occasion upon this, to advise my countrymen, 'that those who took Pensions were not fit to be sent up to parliament again and I never went farther in it than I have told [illegible]

Mr. *Fox.** I find a reflection upon sir Stephen Fox. I would know what time this [illegible]

Mr. *Smith.* I think there is no reflection upon sir Stephen. I remember there were [illegible] know who had Pensions† He was so inge[illegible]

The *Speaker.* Mr. Justice Dolben, the [illegible]

[illegible] years since, and I cannot certainly tell; but I [illegible] the City of London. Several came to me, I [illegible] out of curiosity, to discourse with me, as I thought, about the Quo Warranto, &c. I must confess, one came to me (he was my friend) I think he said, Mr. Secretary Jenkinson was the occasion of his coming; he asked my opinion about it. He found me at my house at [illegible] dering the case. He told me, 'it was far from [illegible] turned out.' I gave my opinion, and was dis[illegible] on Friday, and I was discharged the Tuesday [illegible]

Sir *Wm. Williams.* It is a common thing, not to come to a man to corrupt him plainly, but to bid him use a conscience. I am not afraid of the dead, but of the living; I am [illegible] I shall know how near the king he was and what office and place he bore in the ministry.

Mr. *Garroway.* I would not have you go [illegible] see plainly a practice upon them that would [illegible]

Sir *Robert Howard.* I am against asking [illegible] none but dead men. I wish they would tell us no more stories of the dead: I see they must bear all.

[illegible]

Mr. Baron *Nevill.* "I shall acquaint you with what I think was the reason. I was sent [illegible] Michaelmas term. I attended at Mr. Challis's chambers. After I stayed awhile, king James [illegible] a Paper he had in his hand; it was about the Dispensing Power of the penal laws. I said, 'I doubted, his majesty could not dispense with those laws; but I could not give my opi[illegible]

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* Son of sir Stephen Fox, and Paymaster [illegible] in 1713.

† See vol. iv. p. 1111.

[illegible]

know my opinion. I said, 'I gave the king my sudden thoughts, but I would farther consider of it.' A week after, when I had considered more of it, I waited again, &c. and gave my positive Opinion, 'that the king could not dispense, &c.' I sat quiet after this, for some time; and before the circuit I was sent for to the same place; where was Mr. Justice Streete. [illegible] and I mine. The chancellor made a long dis- [illegible] king had done. So I was dismissed, and my [illegible] circuit. I took my leave of the king, and had my direction after the usual manner. I went [illegible] nions: Holloway gave the same opinion with [illegible] —I was dismissed again. Monday before the term, I was sent for to the chancellor's house, who told me, 'If I persisted in my opinion, I must expect to be discharged.' I said, I must persist, for I had no reason to alter it. [illegible] About seven or eight days after, I had my Quietus; and was told, that Mr. Harris brought it."

Mr. *Smith.* You have had a fair account from this gentleman. I would have one question asked him, 'Whether any body else was [illegible]

Mr. *Howe.* I desire you would ask him, 'Who more were there the first time, and [illegible]

Mr. *Foley.* I desire that he and all the [illegible]

The *Speaker.* Was any other question [illegible] it. I read it, and returned it. The first time [illegible] Justice Powell, as before.

Mr. Justice *Powell.* "I was turned out suddenly. I know not perfectly, the reason, but I suppose it was about my Opinion of the Dispensing Power. Another, I suppose, was [illegible] bers of parliament by prescription; but I know [illegible] who else was sent for? He told me 'several [illegible] peculiarly against Marlborough.) I happened to be of a contrary opinion, and that I take to be [illegible] bench was not pleasant. And, I guess, these were the reasons why I was removed. I cannot recollect any time I was sent to before, [illegible] ed. I remember nothing relating to the law. A quarter of a year before, I was sent for by [illegible] borough, for a misdemeanor, did not forfeit [illegible] election? The Chancellor would know the Judges Opinion. I delivered my opinion, [illegible] commons.' At which the king seemed satisfied. When I came home, I searched my [illegible] same opinion, 'That it was not proper for Westminster-hall.' I concerned that the mis- [illegible] mind that I had discourse with any man, but [illegible] Opinion was? I answered, 'When the matter came before me, I should give it on the bench.' [illegible] very kindly told me, 'he was sorry for it, but [illegible] the last day of the term.' And I sat out the [illegible]

Mr. Justice *Gregory.* "I did continue [illegible] 1685. The king came with a Paper in his [illegible]

Sir *Thomas Jones.* "I was removed for my [illegible]

Sir *Francis Pemberton.* "I was removed [illegible] first time; neither do I know the reason of my [illegible] Common Pleas. I was never sent for to [illegible] I had a Supersedeas."

Mr. Serjeant *Montagu.* "I was removed

Mr. Serjeant *Levens.* "I thought my discharge was because I would not give Judgment

Mr. Serjeant *Wythens.* "I suppose the

moval to be because I did declare 'That the Bishops Petition was not a seditious libel and 'that the Dispensation was illegal.'—They

from the Judges, I desire we may not rise with-

Mr. *Garroway.* That will not do your work. Jones told you, &c. 'he must give his Opinion; the king must have all the Judges of a mind.'

Col. *Birch.* This will be odd to posterity,

sent for these persons. I would know who

the head. I would have them particularly ex-

Sir *John Lowther.* What a multitude of persons will this of delivering up Charters involve the nation in! We have now a war with France, and king James is in Ireland. I wish

Council give you imperfect answers, you will

harris, "That the said Mrs. Fitzharris had a

hand to lay a Popish Plot on the Protestants;

being brought before the late lord Conway, the

from a design of putting treasonable Papers

persons of the villainous project against them,

her three children to the present king as ob-

and ordered her to be recommended accord-

"We your majesty's most dutiful and loyal

consideration, the many great sufferings of the

which their zeal for the Protestant Religion,

&c. most heartily crave leave, in their behalf,

a burthen to this kingdom while they remain

of them, for their interest in, and knowledge of that kingdom, as well as their experience, &c.

and standing Fund for their subsistence until

majesty, if any such there be, to return within a certain time; and that the estates of such

[illegible]

Church*; and hearing nothing of Popery, I re- [illegible]

[illegible] most injury.

[illegible]

[illegible] will come by them: some have great estates and [illegible] they deserved it. Let us not, like Falstaff, fight with dead men: let us punish the living; the [illegible]

Mr. *Harbord.* I have heard it said, that punishment is much better than laws, of which we have enough. Here are Papists now in town; they will not stir. 'Tis said by some, 'tis because of foreign alliances; but we must [illegible] fine them to a little number. The head Justice was hanged at Tyburn in Rd. 2.'s time.* I wonder not they are so ill men, for no others would serve them. I move that two of them [illegible] Westminster-hall gate.

Mr. *Brewer.* I believe, it is not for the honour of the house to proceed upon the Judges. [illegible] the king's [illegible], or any thing under their hands, any Judgment in Westminster-hall? Common fame is a good interpreter, but no good judge. I [illegible] the Judges [illegible] Judgment in the Dispensing Power.

Serj. *Wogan.* I was with that Judge (Holloway) who is said to have come over to the [illegible] on the Dispensing Power, [illegible] his Vindication, and denied that he gave any [illegible] years. I dissuaded him from printing, &c. for it would be looked upon as a libel, and he and his family be undone. But he declared he [illegible] immediately he did at the Trial of the Bishops. I do not know that he was ever of that opinion, [illegible] of the Judges of that [illegible]

Sir *Tho. Littleton.* I would be tender in reflecting upon any man, but that judge sat two years and a half under that imputation of Opinion. Powell delivered his opinion for [illegible]

He will take the sacrament upon it, that he never gave his opinion for it; he hath solemnly declared that he had his Quietus upon [illegible] Opinion, did declare that Holloway had wrong done him.

Mr. *Hawles.* When a judge of a court delivers an Opinion of a judge absent, the next time he sits, if he does not disown it, he con[illegible] I have known when a judge has been misrepresented in his Judgment, he has denied it in court.

[illegible] Powell was not a judge of that court, but of the [illegible] opportunity.

Sir *John Lowther.* I am very indifferent whether this be true or false, but what I look into is, who were most notorious, those who gave the Opinion [illegible] then sat in the ecclesiastical court, or those [illegible] dalen College. You must exempt the most [illegible]

Mr. *Ettrick.* Powell was not then a Justice of the King's-bench. The question is, [illegible] Herbert's chamber, and Powell said, 'It was a new thing, and he could not suddenly give his Judgment.' They would give judgment on Monday, and not upon surprize. Holloway resolved to vindicate himself in print, but as soon as he was removed into the King's-bench, [illegible] and Wright said, 'You always, brother, have been of that opinion.' Powell is a man of too much learning and honesty to be of that opinion.

Sir *Tho. Littleton.* I would know why, to this day, he would never say to his brother Holloway he had done him wrong.

Sir *Robert Howard.* I think we are not at all travelling towards the Indemnity. We are told hearsays of Powell and Holloway. Pray put the question [illegible] who gave the Opinion in sir Edw. Hales's Case. I cannot but be a little surprized when the use was for the king to dispense these laws, and by conse[illegible] Bishops they should bind—I hope these extra[illegible] If Holloway had been a judge for life, possibly he would not have been of that opinion. I hope this may be prevented for the future.

Mr. *Howe.* Which is the greater crime; they that went a fishing for a knave to do it, or the poor knave that did it? Was there no property in England till Magdalen College? Nor any liberty till the Bishops were sent to the [illegible] out. Rather adjourn the debate, or give a general Act of Oblivion to all, for the greatest [illegible]

Mr. *Hawles.* I have heard that Judges patents were formerly, 'Quamdiu se bene gesserint,' and if you do not punish the 'Bene placito' men, you will confirm those of 'Quam[illegible] and those turned out, got by it. If I were to begin, I would at the first head; that is, the [illegible] Hales's Case was a moot, a feigned case. Wright is dead, and Herbert fled; some were frighted, and some cared not what they did a rush; but the Attorney-General and Solicitor-General are men of estates; let us know who

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* See [illegible]

[illegible] ercise your justice, I would not do it till the [illegible] told of taking away Charters of Corporations: consider what a great number will be involved on that head, and how safe the government [illegible] but to cover them all by a general act of par- [illegible] tributed to it; and people will rather upon [illegible]

Sir *John Lowther.* In conversation, through [illegible] me: I am willing to forgive, I desire to be [illegible] government settled: I would punish for the future, and pardon all that is past.

Mr. *Smith.* I should heartily concur to the motion, if it would give content to the people. [illegible] their offences. I speak for the justice of the nation. Those who have got estates by our [illegible] you go about to qualify them for it. I must [illegible] nor the justice of the nation, I cannot agree.

Mr. *Hawles.* I never heard of a general [illegible] murders, and let these men run away? If you [illegible] you will anger twenty more that are injured; [illegible] tainder of Cornish illegal, by the express evi- [illegible] Russel was illegal, and as bad; and col. Sidney's as bad as that. I have had no injury done to me, nor any of my relations have suffered; [illegible]

Mr. *Papillon.* I think you have read but one Head, and then, certainly, it is very improper to go upon a general Indemnity. I am not for revenge, but to vindicate the nation. [illegible] pinned at our backs, upon a dissolution; and now we are told, 'you do nothing to vindicate [illegible] you come to particular persons, let every man do what he pleases, but I see men justify what [illegible] aside, and laid on the Protestants. Pray vindicate the justice of the nation.

Sir *Robt. Cotton.* If crimes have been epi- [illegible] may be of ill consequence. Those who acted [illegible] Mercy becomes this house, and I never knew but persons must be eminently distinguished, and you will find some have their crimes alle- [illegible] epidemical, let us be impartial, and pardon all. [illegible] upon yourselves. I have met with an act of the Irish parliament, on the other side the [illegible] be careful, now the present government is [illegible] you make a general sweep-stakes, you make all [illegible]

Sir *Robt. Howard.* I have seen great revolutions (at least seemingly) in opinion, in this [illegible] excepted by name. I see some are inclined to a general Indemnity, and this is one revolution of opinion that has been here. As the nature [illegible] Indemnity, I did suppose that the Ecclesiastical Commissioners, and those concerned in [illegible] would sure have put a clause of indemnity for [illegible] well. When you have enumerated all offences, [illegible] yourselves.—And let all the world see they [illegible] I am sure our judgments are shaken, and pray [illegible] cepted a lord that changed his religion (Sun- [illegible] thoughts waste, therefore I would adjourn the debate

Sir *Christ. Musgrave.* I think, by the Vote you have made, it does not hinder a general Indemnity. I think it for your service to pass [illegible] that has been done since the settling the crown. I would rather err in mercy than on the other hand.

Mr. *Sacheverell.* For my part, I wonder at [illegible] largely. I am as much inclinable to mercy as [illegible] cannot sit patiently at this. I am for equal [illegible]

[illegible] again, the same crimes? The king has given his sanction. He is inclined to mercy; but for Fines, I would never forgive them; I would not except one Judge, but as they have of- [illegible] lated, I would never forgive them.

Sir *Henry Goodrick.* I am unfortunate that it is my right to speak, and I cannot obtain your eye. I stand up only for the service of the house. When I considered the motion, the charity, the safety, when I considered the authority of so considerable a person as Low- [illegible] made, I ought to suspect no person, much less that honourable person. It was far from [illegible] ing. For these crimes I wish examples were [illegible] that I would stamp a mark of your indignation upon those who advised king James. I confess, I am for a general Pardon; it has a charm [illegible] farewell all safety of liberty or religion! I do [illegible] you sat. There spoke of an ambassador sent to Rome by king James; could Lowther, or I, be thought to justify that, or to pardon the [illegible] Papists, and I will go farther in this than your Heads. I am still for a general Pardon, but still for Protestants only. I go not about to pardon, nor justify, the Chancellor, who was [illegible] Protestant. I beg persons may be excepted, but very few; the king has recommended it to you; follow his steps, in his wisdom and charity. There is not a spirit of revenge in Protestants, like Papists. I move you for an In- [illegible]

Mr. *Hampden*, jun. I suppose this place gives liberty of speech; it is the honour of the house, and the liberty of the nation. Will you [illegible] this while, and say that nothing shall be done upon them? Is not this to seem light and unadvised? I have expressed my tenderness; I have suffered, yet I can forget and forgive as [illegible] Blood no mortal man can forgive; nobody but God can forgive; you only leave a latitude to judge whether it is wilful. I will wash my [illegible] them—If I forgive this, God will not forgive [illegible] was the occasion of the great mischiefs that followed.

[illegible] a general Indemnity. When others break your laws, they may hope for indemnity for what they shall do for the future. I am not [illegible] man, but I am not for 'crudelis clementia.' [illegible] Magdalen College is but a trifle to what they have done in other things.

Sir *John Lowther.* I hope nobody thinks I would excuse shedding innocent blood; but I believe there is a sort of skill that, when a [illegible] with what was not intended. I would have [illegible]

Sir *Henry Capel.* I do not think that Low- [illegible] or the destruction of government; but a gene- [illegible] Westminster-hall? We have had learned judges and ignorant, and yet all have conspired our ruin. Punishment is hard, and I am tender, [illegible] bent upon us. The government is executive in the king, when we are gone; he is a good [illegible] but it has been our misfortune, that Protes- [illegible] Upon the whole, I would not adjourn the debate; it is against the honour of the house to [illegible]

Sir *Rd. Temple.* The question this morning was about these four Judges, but the Excep- [illegible] strumental to serve the house, I would willingly. You say in your Vote, 'that some may be ex- [illegible] this is your only method, to what degree for [illegible] alarm.

[illegible] an universal proposition; but I suppose it was [illegible]

[illegible] a pretty sight for the bishop of Durham [lord [illegible] have named a person, the law tells you his punishment. Here lies the difficulty with me, a necessity that so many offenders should be at ease, and not necessary that a great many should [illegible] some should. If limited to four or five, say [illegible] nished. If it be a general Indemnity, with few to be excepted, it is the happiest question [illegible]

Sir *John Lowther.* It has been moved with great caution. If you please to nominate a small number to be excepted, it is a prudent, good, and honest motion.

Sir [illegible]. Of all the questions I have heard to-day, this last proposed is the [illegible] venture. So many for blood; how if you take too many! If you judge a man for estate, you are bound up, and I find you would not involve it. The most indeterminable thing in the world! Judge the man, and proportion his crimes. I do not speak to chill the charity of any [illegible]. The proper question is, Whether you will proceed upon the Judges of the King's-bench? King James has abdicated the crown, [illegible]

Sir *Ch. Raleigh.* If this must pass off so, for God's sake let us send for king James again.

[illegible] was taken at Raleigh's words.

Sir *John Lowther.* I cannot see how any such imputation can be upon what he has said.

Sir *Tho. Lee.* You are right in order of explaining. I would not have words written down; it is a great injury to the gentleman if written down. I hope the gentleman will so [illegible]

Sir *Ch. Raleigh.* What I spoke was ironical only, if we proceed to punish the lesser, and let the greater pass.

Sir *Robert Rich.* I never apprehended the gentleman willing to bring in king James; but to pass by [illegible] our laws, is the way to bring in king James.

Sir *Walter Yonge.* If you are sure there has been no innocent blood shed, I would not [illegible] few, whether five or seven, I care not how few, but blood has been spilt. I move for a general question for life; for some have been con[illegible]

Sir *John Thompson.* I would ask one question, Is any man guilty of blood? And will you exempt them? Will you think it honour[illegible] cept any man for blood; but let that take the [illegible]?

Sir *Robert Rich.* I bear malice to no man, [illegible] restored blood, I would have them excepted, as for life; the rest not excepted for life.

Mr. *Ettrick.* I see not that, by any law, you can take away a man's life; for blood, and for murder, you will except that, but else I cannot give my consent to take away life.

Sir *Tho. Lee.* I would have the long robe declare, Whether these offences extend to any man's life. Therefore I lay the consideration [illegible] king's suit, he is answerable, the king may pro[illegible] you need not put in that word of 'Exception [illegible]

Sir *Wm. Williams.* There were Judges who [illegible] lives, that were not judges, I should make no [illegible] dead. It is a case worthy consideration, when a man has no power, and ceases to be a [illegible]. Let that be your rule, as to this Exception.

Mr. *Hampden*, sen. I speak to your question, not the debate. I am sorry the question is brought to this. I am not of opinion only to leave them out of the Indemnity, and as to Westminster-Hall, if they have art and cunning enough, they may escape. This is a crime the law does not suppose, and if you cannot use the legislative power to punish such offences, it is strange. Is it not treason to [illegible]? What government are we under? The law is on their side then, and there is no remedy for these offences; he must say Amen to what he is bidden to say is law: if you say, so many shall be excepted out of the Act, [illegible] reserve yourselves for penalties afterwards, I [illegible]

Sir *Henry Capel.* I think, what is said is of the last consequence. The statute 25 Edw. [illegible] names Treasons for Westminster-Hall to judge, and, at the same time, there is a declaratory clause for the parliament, in doubtful cases, to judge treason. Are there not offences that no denomination can be given to? To subvert the government, and subvert parliaments, by taking [illegible] the greatest of treasons. I take it for granted, [illegible] I hope that sort of doctrine will not be here. Such treasons are to be punished by parliament. I hope we shall never depart from that doctrine. I will not.

Major *Wildman.* I had not been called up [illegible] future. It is of dangerous consequence, when [illegible]

[illegible] In an universal Act of Oblivion, we [illegible] that we were the Judges, and [illegible] [illegible] [illegible] [illegible] not be pardoned. The [illegible] cannot be [illegible] punish them. It was the custom of our ancestors to bind the Judges to the letter of the law, and to declare no treason but what is specified, &c. and in a doubt to go to [illegible] Our ancestors [illegible] by that statute, that there were treasons which could not be specified; therefore left it to Parliament to declare. When the Judges, and the king's Counsel answered the questions at Nottingham Castle, proposed them by Rd. 2. had they done any offences against the statute 25 Edw. 3? Nine of them said, they were under fear of their lives. But [illegible] mercy, they were banished, and a law made that fear must never be the case. I move [illegible] may be reserved for such penalties as shall be declared in parliament. I am [illegible] to-day to wish any body's finger to be cut; but [illegible] to be killed to defend what is begun, it may be with a sea of blood; therefore [illegible] the occasion of all this blood I would have such justice upon, as [illegible] for our safety hereafter.

Sir *Tho. Littleton.* I am as much against a general Act of Indemnity, as against excepting all. Suppose you declare them in as hard words as [illegible] case—but I would add to [illegible] [illegible] Make them support the government by setting all [illegible] at ease, [illegible] must be excepted, and that will do your business.

Sir *John Lowther.* I am not for a separate question, but for complicating altogether. If you divide the incapacity, there is a legal incapacity that will involve a great many. I am for setting all at ease but Papists.

Mr. *Howe.* As for excepting all in a lump, I am against it. Many are fit for fines that are not fit to die, nor fit to bear offices.

[illegible] "That no person shall be excepted out of the Bill of Indemnity, as for [illegible] under this head [illegible] that such persons shall be excepted, &c. as to other pains and [illegible] not extending to life."

[illegible] 7. The debate was resumed.

Mr. *Garroway.* You say in your Vote, [illegible] persons shall be excepted. If any body else will name a person, I will name one who sat in Magdalen College Commission. It is [illegible]

[illegible] He was not one of the Judges [illegible] that I see not how he can [illegible] the Dispensing Power. He was a baron of the exchequer.

Mr. *H*[illegible] Perhaps he gave his Opinion for it, and I believe it, but it appears not to [illegible] Head. I have examined, and I know of none, [illegible]

and he informed you, that a grand jury was [illegible]

Sir *H*[illegible] Two [illegible] Opinion [illegible] the Dispensing Power [illegible] case [illegible] was one of them.

Sir *John Guise.* It may happen, they may tell you [illegible] Dispensation were drawn.

Sir *Wm. Williams.* No Judge is to give his Opinion extrajudicially. There is no such patent in nature; but there is a commission [illegible]

Sir *John Guise.* There was, I mean, a Patent of Dispensation for sir Ed. Hales, under the Attorney's or Solicitor's hands; they went upon their own heads, and drew it; and it was pleaded in his case.

The *Speaker.* I saw a patent of Dispensation for most of the principal Papists about town.

Mr. *Hawles.* The docket of the patent will [illegible]

Sir *Robert Sawyer.* There was such a patent, and it passed my hand, and I will give a true account of it. The first warrant came to me the 21st of Nov. that did include both the Pardon and the Dispensation [illegible] I said, 'I could not pass it.' I told Mr. Burton, 'that the Dispensation would spoil the pardon.' I will show you the whole: I have [illegible] the papers in my pocket. After I had told him my Judgment, he brought me a warrant for a Pardon of what belonged to the king. On Dec. 31st, they brought this patent in question. I told them then, 'I could not pass it;' and I told the king, 'that in point of law, the power was not in the king.' The king referred me to my lord chancellor and lord Sunderland; they told me, 'I was but a ministerial officer, and might do it.' I did not conceive the king had that power, and I could not do it. The [illegible] is under my hand. I consulted an honourable person, Mr. Finch, and then gave it under my hand. The king said, 'He had a respect for me; but will you agree to it, if it be the Opinion of the rest of the Judges?' I said, 'I was but a ministerial officer; but if it was the Opinion of the Judges, I must obey.' I heard nothing farther till three weeks after; when the king sent for me again; where were present the Chancellor [illegible] The king said, 'I am advised by the Judges that I have that power,' and [illegible] and I, as a ministerial officer, did pass it. Soon after, six [illegible] were [illegible] they brought Walker's patent. I had the greatest [illegible] If they come to be of that opinion for fear or expectation of preferment, the nation can never [illegible] king would put me out of my place. I desired to know, why I was not turned out? I was told, 'because the king would not gratify another to come in my place.' Then I was brought the [illegible] Custos of the forest. I told them, 'I would not pass it with a Non obstante.' I was sent to by the Chancellor 'that the king would re- [illegible] knows I stood stiff upon it. I was Attorney in all these transactions, and you will find my integrity the greater, that I could hold it in those times. I knew, all things were set up to introduce Popery. I gave my opinion, 'that the Lease of the Excise, on the death of king Ch. 2, was a void lease,' though there was an [illegible] to set a new valuation of First-Fruits; they [illegible] justify me. I never had a Pardon, nor ever desired it.

[illegible] give it out then? I am sorry to say, that a certain learned member had a hand in passing [illegible] to persons that did incur the 500*l.* penalty) and was earnest for the 500*l.* men.

Sir *Robert Sawyer.* Mine was but a private Opinion, not a judicial opinion. The Judges [illegible] corrupted in opinion. I submit whether any officer must not do as I did.

[illegible] dicate himself. I am not a judge of the law, [illegible] 1000*l.* a year to their families. I hope these [illegible] ing to sit down with 2 or 300*l.* a year, and laugh at us. I would move something, to [illegible] lately been in arms against us.

[illegible] and Hales. Let us not give occasion to think [illegible]

Mr. *Boscawen.* I would know what oaths [illegible]

[illegible]

Sir *Tho. Lee.* If I thought you would not [illegible] committee to enquire. I suppose, when you [illegible] tents 'Quamdiu,' &c. though they retained the ordinary fees of court, yet not their salary [illegible] will not come to a justification of what you [illegible] out! Those are the persons to be excepted, I mean Sawyer.

Mr. *Harbord.* What is the reason for taking away chimney-money? Was it not, be- [illegible] ter the privy counsellors, that ovens and cot- [illegible] by the advice of Sawyer; and if you fall not [illegible] justice. I would always have it a maxim here, 'that to levy money against law is treason.' If privately, cunningly, and traiterously they [illegible] hands on. I am tender of blood, and cannot [illegible] shed. The blood I mean is that of sir Thomas Armstrong, a most barbarous thing! And all foreign nations where I have been cry out upon you, and say, there is no living amongst you. I would except them even for their lives.

Sir *Robt. Howard.* This is not your business [illegible] why he did do it, and has papers in his pocket [illegible] told him so.' All must be seen before you, [illegible] Judges names. But this now looks a little [illegible] I would not condemn him upon hearsay; send [illegible] morrow.

[illegible] house be satisfied? I was present in court [illegible] ter: on that Opinion, judgment was given. But that they should be quiet under that law, [illegible] ther you will refer it to a committee, or send for the officers, I submit.

Sir *Robert Sawyer.* I will bring my papers [illegible] before you.

Sir *John Lowther.* I think it not possible to come to a Resolution of this question, till you [illegible] words of the Head are, 'advising and acting [illegible] Case of Hales, you will not think that so great as the lord-lieutenant's, who came down to [illegible] who have given their opinion in Westminster-Hall, I cannot think more criminal than those that contrived it. I presume, the wisdom of the house will weigh the 'advising and asserting' it. I presume, you will find 'acting' one of the least crimes. Consider the quality and [illegible]tness of these men; you will not lay the [illegible]

Mr. *Garroway.* I rise up to second the motion, 'That serjeant Streete and justice Powell [illegible]

[illegible] last, you sent some of your members to attend them. Powell is a sitting Judge in the lords house, and I think it fit you do it to him.

Resolved, 'That Mr. Justice Powell, sir Tho. [illegible]

[illegible] &c.] June 18. The following Address from the Lords to the King was sent down to the Commons for their concurrence:

"We your majesty's most loyal and dutiful [illegible] war with France, do, in most humble manner, [illegible] into a good posture of defence in a small time [illegible] for the better defence of these Islands; and [illegible] curity of the Isles of Man, Scilly, Anglesey, [illegible]

[illegible] uists within 5 miles of their own houses, and [illegible] horses, may be forthwith executed; and, in order thereunto, that the Judges may be di[illegible] tices of the peace in their several circuits; and particularly that they examine whether any [illegible] tance to the safety of your majesty's person [illegible] king of England. I am against it.

[illegible] publishing our weak condition, I am against it. [illegible] dition, and since it is not mended, it is our [illegible] not else do right to our country; especially [illegible]

Sir *Henry Goodrick.* Guernsey is in ill condition, though the best harbour in the [illegible] no guns, nor ammunition. The consequence [illegible] it is a place of infinite consequence, and so ill-fortified, that the governor, sir Robert Holmes, [illegible] I hope it may for the present be done without much charge. I would concur with the lords.

Sir *Tho. Lee.* I find we are now upon the debate of Address to the king about the Isle of Wight, &c. and therefore it is not fit to pass at the table in a moment. I could have [illegible] you to him. I hear of garrisons making, and [illegible] and at another time it might be suspected. For Jersey you may do something, and I am sorry to hear from Goodrick, 'that Guernsey [illegible] had informations before them, and I would have you do so too, and consider as they have [illegible]

Sir *Christ. Musgrave.* I take this Address [illegible] by a committee of lords, and it is not usual for [illegible] committing it, you may take the same steps, that the lords have done, and then you are [illegible]

[illegible] ing towards Brest. I see no manner of summer guards, and we have nothing to send men into these islands. I suppose they may land [illegible] have we any frigates to hinder a descent from France? Unless we send out some ships pre[illegible]

[illegible]

Mr. *Harbord.* I am willing to commit this [illegible] three or four days, and I would go the most decent way to the king: I would examine the thing and the charge of it; it will cost the king [illegible] would commit it.

[illegible] It seems, [illegible] and therefore we must do it; but I will not see it with other men's eyes, when I can see with my own. I question whether this Ad[illegible] Money; and since this is for our defence, I would have the committee take some care of [illegible]

Sir [illegible] way's, of computing the Charge, is letting the lords in to raising Money. I do not know but [illegible] great a presumption that they have not. We have given two millions already, besides the Revenue. I would have the Commissioners of [illegible]

Sir *Henry Goodrick.* The Office of Ord[illegible]sury for Money, which it wants. The duke of [illegible] Wharton, the engineer, been wanting; he has viewed all these places, and has orders to [illegible]

[illegible] as you please into these things; but I think [illegible] lords in to giving money, though I know not [illegible] I think it for your service to enquire if it will cost you money by an Aid, and you may see if the revenue can pay it, and not do it without [illegible]

[illegible] he has done already is a reflection. As for the islands, I hope they may be speedily done; and for Londonderry, I would see what forwardness we are in for Ireland, and would know how many Dutch ships are to join us; and if, upon enquiry, you find the Dutch ships out, and Ireland in good condition, there will [illegible]

Mr. *Boscawen.* An engineer was sent to Jers[illegible] the charge. I desire you to take notice, that, [illegible]

[illegible] no trade? To be neglected, and no convoys [illegible] and Irish too. I would have particular in[illegible]

Col. *Birch.* This address comes in a most unusual way, but when any thing is before [illegible] relates to shipping; our safety is, in the first [illegible] laid before us of the number of ships in the whole kingdom, how many fit, and not fit, and where they lie. Some talk of 30, 40, and [illegible] you have for reserves, with the several particulars of guns and burdens.

Serjeant *Maynard.* I would have the Committee enquire into the captains of the navy. I hear there are young men put into ships, that [illegible] formerly, 'Was he a godly man?' And he was put in. I asked then, 'Whether a godly man could make a watch, or a pair of boots?'

Sir *Tho. Lee.* If being of a party makes men fit, I have heard that young men are [illegible] fought, are thought the fittest to judge. Lord Torrington* is fitter to recommend a captain than I am, that live in Buckinghamshire. The charge is computed at 100,000*l* a month, the Estimate, and when I have said that, it will not bear the Charge of this summer's expedition, (and gives an account of the Shipping) but do what you can, there will be leakages. [illegible] ready to a ship. The king has ordered 20 to cruise betwixt Scotland and Ireland. Those [illegible] commend officers; and to my observation, [illegible]

Col. *Tipping.* I was lately at Portsmouth, where I saw one of the greatest ships given in [illegible] sides, three times as long as the table; which, lord Torrington said, must have been, at least, three [illegible]

The Address was ordered to be committed.

Mr. Justice Powell and others examined [illegible] Mr. Justice Powell attended, according to order, and being called in,

The *Speaker* said, The house has sent for [illegible] Edward Hales's Case?

Mr. Justice *Powell.* "The Judges were [illegible] Inn, in Fleet-street; all the twelve Judges [illegible] Hales's Case? I beg the favour to be excused [illegible] proper for me to accuse any. I humbly beg the favour that I may be exempted." And withdrew.

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* Admiral Herbert, so created a little before this [illegible]

Col. Birch. It seems he is tender [illegible] a public account. I conceive it not the in[illegible] evidence; but I think it necessary that you know what Opinion was given, because you were [illegible] Judges [illegible].

Mr. *Leveson Gower*. I am of opinion, that no [illegible] can lie upon him [illegible] opinion they gave; but I would not ask him what opinion he was of; but how many signed that Opinion at that time.

Sir *Tho. Littleton*. If you go through with this question, he may live uneasy in his Judge's place. I do like [illegible], Powell gave his Opinion [illegible], and Streete was the only man against it. I think he has given a very particular account to the lords, and it is fit he should do it to you likewise.

Mr. *Garroway*. I wonder what you sent to this Judge for. Now he comes, he makes you a great compliment, whether you will ask him the question, or not? If the crime be such as that all is at stake upon it: ask him plainly, what Opinion these Judges gave, but not himself. I hear he has frankly and freely given an account in the Lords' house.

Sir *Henry Capel*. Was this Judge in any place [illegible] oath, he ought to tell what he knows. For once, let us not part with our laws, without some struggle for it. I stand amazed that Powell is tender in it here. He is not to be excused for his modesty, though in [illegible] things. When that compliment and excuse is over, for the good of the nation, he ought to give you a clear account. I hope, you will tell him that this house requires it of him to inform you, and I believe he will obey you.

The *Speaker*. Mr. Justice Powell, the house [illegible] your answer, and have commanded me to acquaint you, that for what concerns yourself they will not question you nor require an answer; but for what you please of the other Judges, there can be no tye of secrecy; you are under a duty to tell your knowledge. This is not properly an accusation of the Judges, but your testimony is required to deliver your [illegible].

Mr. Justice *Powell*. "I am very free to declare any thing relating to myself, but to others, unless you command me, I desire your excuse. 'Tis at a great distance, a great while since, but I shall declare what I remember. I am unwilling to incur the displeasure of this honourable house. Going on Wednesday or Thursday [illegible] at Serjeants Inn in Chancery-lane, I was desired [illegible] the other Serjeants Inn, [illegible] street, at four o'clock; where being met, my lord chief justice Herbert told us what the business was. He [illegible] with [illegible] Hales's Case. He [illegible] to make out the king's Dispensing Power. He cited Coke's 12th Report. After he had done, it was my turn, as puisne judge, to speak. I answered, 'the Case was of great importance, and, for the present, I was not able to do it, till I had consulted Books against Michaelmas Term.' He said, 'he would have it on Tuesday.' I said, 'The time was short, but I would wait on him.' [illegible] 'That he might dispense.' The next was Lutwich, who said, 'He restrained it to this Case, and thought the king could dispense in this Case, but not in ecclesiastical cases. He restrained it to that Case before us not relating to Religion.' [illegible] who said, 'The king [illegible].' Wright was for dispensing. Holloway, I believe, was for dispensing; I cannot say it positively; I was at a distance. Streete was against it. Lord chief baron Atkins was at a greater distance; I could not well understand him; he cited several Cases. Lord chief justice Bedingfield's Opinion was, 'That the king could dispense.' This is all I can say in the matter transacted so long ago. Nothing was put in writing, nor notes taken of what was then spoken. As for what concerns myself, I attended my lord chief justice, at his chamber. I called on Mr. Justice [illegible], who went with me, and there I found first of the Judges [illegible] the Monday [illegible] on Monday, because there was a grand jury of persons of quality that day, and it was thought the next would not have had such an audience, and therefore [illegible] giving Judgment that day, so I did not deliver my Opinion. I beg pardon, it was my forgetfulness [illegible] Wythens and Heath—[Upon the Speaker's asking of them, &c.] They were with the majority for the Dispensing Power. I think no persons were present but the twelve Judges, and I am pretty confident of it. The question was delivered by word of mouth, [illegible], 'Whether the king could dispense with the statute of 25 Ch. 2. and the accepting a Commission [illegible] Dispensation.'"—He then withdrew.

Sir [illegible], being interrogated by the Speaker, said, "Lord chief justice Herbert, Wright, and Holloway, were present at pronouncing the Judgment in the Case of sir E. Hales and Godwyn. The Opinion, in the Dispensing Power, was pronounced by lord chief justice Herbert, who said, 'It was not only the opinion of the Judges of that Court, but he had consulted the rest of the Judges, and it was the Opinion of ten of them.' He said, 'There [illegible] they did meet.' I beg pardon if I mistake in words, but in substance he said 'Ten were for it.' [illegible]

[illegible] manner, said, "I was present in Court 2 James

[illegible]

Dispensing, for Godwyn against Hales, upon [illegible] was argued but once, not *seriatim*, but by Herbert only: He said, 'He had consulted the [illegible]

Mr. *Garroway*. I have something to ask [illegible] was a very pleasant thing.

Sir *Robert Henley*. "Sir Thomas Powis, [illegible]

Sir *Samuel Astrey*. "I cannot charge my memory with lord chief justice Herbert's argu[illegible]

Sir *Robert Henley*. "I remember, the precedents cited were for 'the necessity of it, and [illegible]

[illegible] Ecclesiastical Commission, were then read

The *Speaker*, to Mr. Bridgman. The House have read the Ecclesiastical Commission, and they find your name in it as a Register. [illegible]

Mr. *Bridgeman*. "I was generally there and attended, but, in my absence, Mr. Smith of Doctors Commons attended. In the bu[illegible] clerk, then attended. I was sent for to Westminster, being in the secretary's office, and the commissioners gave me a draught of a warrant to ingross: I heard nothing of it before. Lord Sunderland brought it, but I remember not who carried it to seal. I entered all down in a [illegible] entered after the rising of the court, and the book was the Register I kept."

Sir *Tho. Clarges*. I hear of a committee of lords and others, called 'Regulators for all England;' I would know whether there was [illegible]

Mr. *Bridgeman*. "I attended the Com[illegible] of London. I cannot charge my memory with [illegible] but I remember there was a difference of opinion, at two meetings; they did not agree both [illegible] Castlemaine, sir Nich. Butler, and father Petre, were of the Committee for Corporations. I [illegible] country, for I attended only in the secretary's [illegible]

[illegible] and, I believe, some of these papers are in my custody still. I was not employed in the sur[illegible] office. I was present when the Warrants were [illegible] the Tower, and I remember not who signed; [illegible] sign. I remember the earl of Berkeley only. I was indisposed in my health, and remember [illegible]

Mr. *Smith*. I observe that Bridgeman was [illegible]

Sir *Robert Clayton*. I would know, whe[illegible]

Mr. *Garroway*. I would have Mr. Bridge[illegible] notes.

[illegible] either dead or absent; can you name any others present?

[illegible] earl of Castlemaine, Mr. Petre; these met at [illegible] attended. I never saw Penn nor Lobb there, [illegible]

Mr. *Kendall*. I hope you will consider lord chief justice Herbert, for the sake of a noble [illegible] him favour for his sake: though he is of a di[illegible] natural affection for him, and I hope you wi[illegible]

Mr. *Holt*. I had my education in Win[illegible] it was his opinion and judgment; but he went [illegible]

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* "So little regard had the Chief Justice's [illegible] fest, answered the king very plainly, 'That [illegible] than comply." Burnet.

[illegible] Court, he did dissent from the rest.

[illegible] ment, &c. he did say this that did allay me: 'He would not serve purposes to destroy par- [illegible] dispense the lords and commons from taking [illegible] &c.'

[illegible] peace—I would except those who had their hands in blood. You have heard how he [illegible]

Sir *John Thompson.* I think we are out of [illegible] cepted, and not another? If you will excuse them all, with all my heart. If they partake of the same crime, it is fit they should have the same punishment. Consider in the lump, [illegible]

Mr. *Boscawen.* I would not have all Oblivion and Indemnity. I would have some pu- [illegible] should be excepted! I took the sense of the [illegible] &c. and that implies you will excuse others, and I am at liberty to pardon Herbert.

[illegible] general opinion.

[illegible] yet for life; this Head is only for pains and penalties. I see not how you can excuse this [illegible] been upon this foundation. If you excuse this man totally, he may be Chief Justice [illegible] has been the Head of this Opinion; so you [illegible] you will.

Mr. *Hawles.* If I would consult my affections, this is the gentleman I would have pardoned. I know him an honest gentleman. If you excuse him because a man of learning, strike off all that head. Milton is not a man of learning, and Wythens, I think, very little so. [illegible] now: he went out upon the City-Charter; he was not for a total Dispensing Power; he was [illegible] admit these excuses, lay all aside. If I would [illegible] yet I would have a punishment, though a mild one, and except him.

[illegible] cepted out of the Act, I would have your advice, whether you will not make a conditional [illegible]

[illegible]

Sir *Robert Howard.* I am willing this per- [illegible] the reasons proposed, 'That his Opinion was his conscience and judgment.' But the matter is, now we are against the Dispensing Power, [illegible] law. They held an Opinion, 'That the king [illegible] in this place. As he was the first mover of this Dispensation, so his brother, the admiral, was [illegible] it may be upon his merit he is pardoned.

Resolved, "That sir Edward Herbert be [illegible]"

Debate on Mr. Justice Wythens.] Sir *John Lowther.* I am afraid that excuses will be unwelcome to this house. I say, in behalf of this man, that no sooner was he promoted, but to [illegible] sation from the oaths. He did it only as to [illegible] good witnesses, 'That he wished his tongue had cleaved to the roof of his mouth, when he gave judgment, &c. and if the parliament should consent to the Dispensing Power, he should [illegible] soldier, who run from his colours. He was never corrupt; he never took a shilling. I perceive I am ill heard upon this subject, [there was a great noise,] but I leave him to [illegible]

[illegible] blood of sir Tho. Armstrong; he was one that condemned him.

Mr. [illegible] on his knees in this house, about the abhorring Petitions to address the king for the sitting of the parliament*.

Sir *Christ. Musgrave.* I suppose you intend an Indemnity, and your Exceptions not to be many. I know this gentleman, and must do him right; his Opinion was only to that par- [illegible] wrote a Book in defence of the Dispensing Power; but this man did not: no man can think me a favourer of this Dispensing Power. I beg your mercy for him.

[illegible] every thing: except as to the Soldier, you will find him involved in all things.

Sir *John Lowther.* I have no obligation to this gentleman, and therefore can only testify [illegible]

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* See [illegible]

[illegible] will find mercy.

Sir *Joseph Tredenham.* I was with him in the western circuit, and I must bear him wit- [illegible]

Debate on Lord Chief Justice Wright.] Sir [illegible] and I am for it. But where there is no offence in law that he has committed, I would not [illegible]

Sir *Tho. Littleton.* It would be an ill thing for such a man to be upon your Books, to [illegible]

Resolved, "That sir Robert Wright be excepted."

[illegible]

Sir *Tho. Clarges.* This is an extraordinary precedent. I would have the committee search [illegible] has had no capital crimes against him, that, when he is dead, you have proceeded against him

Col. *Tipping.* If you will not except him [illegible] Judgment he gave upon Lilburn in the Star- [illegible]

Sir *Christ. Musgrave.* This case is quite different from the rest. This gentleman gave no Judgment in court, any more than in private discourse and conference, and I cannot [illegible] gave it in court.

[illegible] innocent posterity, and punish not them as if [illegible]

[illegible]

[illegible] 9th of May, the commons had sent up a Bill to the Lords, for declaring the Rights and Li- [illegible] sion of the crown; which their lordships having considered, they found the latter part of it [illegible] made in it of her electoral highness the princess Sophia, dutchess of Hanover; and thought fit, amongst other Amendments, to add a Proviso [illegible]

Sir *John Lowther.* This looks like a kind [illegible] mine the Succession, and she was a wise princess. Till I am better convinced, I cannot [illegible] and I would do nothing contrary to it.

Mr. *Sacheverell.* I desire you to consider what you do, before you agree to this addition. [illegible] Calvinists or Lutherans, that may come to the [illegible] so? To exclude a Papist barely, so far I can agree. The other clause is putting it into the [illegible] he shall be no king, till he shall take such an oath as is tendered him by the privy-council, and it lies in the power of the council to [illegible] I should not have been against it, but I would not leave it in the power of the privy-council to tender the oath, or not.

[illegible] died, king James was in Scotland, and he had [illegible] council. Cardinal Richlieu used to say, 'Two words often spoiled things, *faisons mieux.*' [illegible] council invited her to accept of the crown.

Sir *Tho. Lee.* The privy-council did it not alone, and there was no such power in the council alone; but it was done by the lords, [illegible] citizens.

Mr. *Boscawen.* Though he be a Papist in [illegible] this Amendment, may be called in.

Sir *Robert Sawyer.* The privy-council summon all the lords in and about the town. The lord mayor is not summoned; but when they proclaim the king, the lord mayor is sent for to proclaim him. A short Amendment may do this; some power must be lodged somewhere. It is of dangerous consequence, if on [illegible] that comes in may be a Papist.

Sir *Robert Clayton.* I have not looked into the matter much. I have seen the original Proclamation of king James. The lord mayor of London signed the Proclamation first; his [illegible] is power was in being when all other com- [illegible] charter, and [illegible]

[illegible] well before [illegible] throw out this clause; but make it larger, 'That the lord mayor, and the lords about town, may proclaim, &c.' You may mend it [illegible]

Mr. *Garroway.* I think it is not so [illegible] to mend it. I hope gentlemen will not exclude themselves from this right of being a party in proclaiming the king.

[illegible] to you of great importance.' All I know of it [illegible], if you delay this Bill, it may be of little use to you.

Sir *Tho. Lee.* I desire gentlemen to consider, [illegible] bates can intervene between it. I think the [illegible]

Treasonable Papers communicated to the H[illegible] [illegible] majesty: before the reading of which, Mr. Hampden acquainted the house, "That the [illegible] were going to Ireland, in a ship which had stole out of the port of Liverpool, but was stopt about five miles at sea: that they were dispatched up to town, by the mayor, and that [illegible] of them, somewhat disguised his hand."

Debate thereon.] Mr. *Garroway.* It has been some wonder to me that the relief of Ireland has been so slow. I hope this will quicken those it concerns. Let them look to [illegible] good account of it, you may call them to ques[illegible]

Mr. *Howe.* It seems, the Committee is [illegible] it is time to call those persons to question be[illegible] land, and Scotland be lost, we are never like to give an account of England. A great many [illegible] ployment; they are too many to name them. [illegible] their hands, 'that we cannot impeach com[illegible]

Sir *John Guise.* What you have before you is of the greatest importance.

[illegible] Invasion, and a Conspiracy in England. They are no fictions, nor plots forged upon you; but has there been more Money given than is needful? You have given great sums, and great [illegible] civil government, not half has been applied to [illegible] City. This is but head arithmetick, but I say [illegible] management, nor miscarriage of the sums you have given, (and gives a large Account of the [illegible]

Mr. *Leveson Gower.* The hon. gentleman has proposed nothing. I should be glad to [illegible]

Mr. *Hampden.* I have told you the danger, and the king has sent a Letter to have your [illegible] shall be kept out. One thing I will propose; put the Militia in good order, and what the king [illegible]

Mr. *Smith.* No doubt the king desires your advice to extricate him out of his danger, but I think the Accounts proffered to be showed us are not so proper at this time. The Army is upon the roll 60,000 men, and I can make it appear, that there are not 40,000 men; so there is something struck off in the charge. I know no way to secure you, but to secure the [illegible] lieutenancy of Middlesex from seizing Papists, and taking away their horses? I should be [illegible] in Ireland; I know no better way than to seize their estates, like him, for your use, and I doubt not but those will supply you for the [illegible]

Mr. *Howe.* I hear it said, 'there is no Money misplaced.' I would hear how it is applied. I shall give it more heartily though [illegible] t, and the relief of Ireland. I believe [illegible] miscarriages; they cannot be at our doors, nor the king's. There are several in Council, not our friends. He that was against abdicating king James, and, 'the throne not vacant,' is not fit to be trusted in k. William's Council.

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* The Clause occasioned the loss of the [illegible] that it became less necessary on account of the [illegible]

† Mr. Hampden had neglected the usual [illegible] majority: so that instead of carrying his point, he was not so much as seconded; no not even [illegible] the course of his speech, insisted on the necessity of a farther Aid, to save the nation from falling into the hands of the Irish and French, another member said, 'Add the Dutch.' Mr. Garroway, though a known [illegible] casion for more, they would have prevented [illegible] not speedily remedied, the house would be [illegible] had the boldness to assert, That their present dangers proceeded from their not addressing [illegible]

[illegible] curity; but to have a sad tale told us, and [illegible] St. John come twelvemonth. I am not given to farming, but, I believe, the money in the [illegible] told by Hampden there is need of four million; is that for four months charge? Let us see our fair monthly charge; it seems so great; [illegible] and not still 'Money, money, money.' I have [illegible] them, if I had thought of this. The Revenue this year is nearly 1,800,000*l.* I hope, the customs and the Excise will answer the expence in the largest extent. I do not desire the crown should be straitened, but all we have given is not to be spent in 3 months, and more [illegible] the country breathe a little, I pray; though all the money is not paid out of our lands; yet [illegible] order, for a motion for Money, and not be [illegible]

Sir *John Thompson.* I do not wonder that [illegible] It is an odd way this, to ask money for Holland [illegible] suppress it, and the money is scarce paid in to this day. If you will have an account from persons in office, how fit it is for your service, pray consider of it.

Sir *Christ. Musgrave.* I will not take upon me to say how money has been employed; of that I know not; but we are past money, sure, [illegible] that is considerable. You compute for the [illegible] comes in, then it is time to think farther of Money. I hope such an Army, with the Militia [illegible] vasion, if we are so great in force; and we hear nothing of the Holland Fleet, nor our [illegible]

Mr. *Smith.* We are told, in the Letters, of a conspiracy, and I wonder all should be strangely ended in Money. The papists are [illegible] Papists seized, and I would address the king for a proclamation limiting a time for those with king James: recall them by a day limited; [illegible] orders. If that was done, I doubt not but the [illegible]

Sir *Wm. Williams.* You have had it proposed, by Hampden, 'Advice and Assistance;' [illegible] time to form a law for the militia; let us make use of it as it is; you ought to execute the laws as they are, and let them form the Militia as well as they can; there are men enough in England to defend themselves, and money [illegible] are in a miserable condition. If there be men [illegible] nagement. I have heard very little to-day but what I heard a week ago; there wants nothing but management. I would have a Com- [illegible]

Mr. *Garroway.* I never heard of such a [illegible] heard a week ago, and it weighs little with me. [illegible] talk of the Militia. I would address the king to know who ordered these horses to be deli- [illegible]

Col. *Birch.* When I speak for Money, I would lay the fault where it is. I will not talk [illegible] to our shame all the world over. It is said there is a boom cross the river to Londonderry; a new fashioned thing! We are told by the Letters, 'That about the time king James [illegible] Thus I say, it is a sad case they should be eaten up in the North, when, at the narrow sea, [illegible] wonder, notwithstanding this boom, we land no [illegible] boom in pieces; there is no great force with [illegible] advice; and if with our men we cannot go [illegible] go ashore; and if you do not land men, never think to regain Ireland.

Mr. *Hampden.* Gentlemen seem to be displeased that persons are not removed. As for myself, I would willingly resign my place, but I would have such persons named as gentle- [illegible] these Letters (it may be) will seize the Papists [illegible]

[illegible]

this kingdom; and be proceeded against accordingly. 8. That the humble Thanks of this [illegible] Ireland; and this day sent to, and read in this house."

[illegible] in town should be joined with the lords of the council to tender the Declaration and Subscription. I think it not safe in the hands of [illegible] king only.

Mr. *Foley.* Here is a power in the Bill [illegible] next heir shall inherit the crown. I would commit it.

Mr. *Howe.* I think this Bill will not give satisfaction to the nation; it excludes all commoners [illegible] Declaration [illegible] but the lord mayor be admitted. If the last house of commons were to be summoned, it would [illegible]

Sir *Th. Clarges.* [illegible] commons sent for would have great inconvenience in it. The custom is, upon demise of the king, that the nobility meet, and declare [illegible] queen Elizabeth*. I think it very well, for [illegible] commissioners be sent to the king.

Sir *John Guise.* I am not for the lord mayor [illegible] the commons [illegible] I think this king came to the crown as well and as rightfully as any of his predecessors, [illegible] sary, I would not have commissioners sent to the king: I think the crown of England is worth coming hither for. I would not put the crown into the hands of a few.

Mr. *Howe.* I think it no great matter if [illegible]

Mr. *Sacheverell.* This is a matter of great importance; here are more things than one, [illegible] the time of swearing. I think it fit for a com[illegible]

Mr. *Hampden*, sen. I am for committing the clause, by reason I would make as few differences with the lords as I can. This Bill I take as a confirmation of what we have done, [illegible] if the lords should not agree with you? (As I [illegible] narrowly, for a Clause in it was carried but by [illegible] But [illegible] or confirmation of what you have done; it would weaken it all, and much hazard it; unless absolutely necessary to differ, I would not, but pray commit the clause.

Mr. *Sacheverell.* As to the other Amendment [illegible] the Dispensing Power is confirmed, for the future. If thought necessary, there may be a [illegible] but a few. If any can be so dispensed, it is not fit a Judge should chuse what laws are fit to be executed, and what not. If you say in a Bill [illegible] fit to be dispensed, and what not, then it is for the safety of all England.

Mr. *Garroway.* If you agree with the lords for what they have done already, and exclude the Judges, you cannot punish them. I would [illegible]

Mr. *Ettrick.* You heard, the other day, that in Hales's Case, the Judges did agree, 'That the law was the king's law, and he might dispense with it;' and seeing you can find no qualifying clause in this, I see no other way but by Bill. In the mean time I would [illegible]

[illegible] cannot now amend your own Bill, but you may qualify the lords Amendment.

Serj. *Wogan.* In the 28th Hen. 8. the lord chief justice, &c. were excepted from the circuit in the place of their birth and residence; and it is hard, on the other hand, that the king cannot dispense in any case. Perhaps the sheriffs attend the king, or this house, so that if the king could not dispense with their residence, they would be in an ill case; if the Star Chamber were up, they might be fined. Sometimes a Jury may be headstrong, and find it murder in the person whom he killed *defendendo*; you will, by it, restrain the king from all mercy, and especially in the case of Mercy, it is against the nature of all government.

Sir *W. Williams.* I am for agreeing with the lords. [illegible] can have no power to dispense in any case that can happen, then perhaps you will find that the subjects shall suffer more in this than in the Dispensing Power. Because Pardons have been abused in Impeachments, shall the crown [illegible] for the people as eating and drinking. People will necessarily stand in need of Pardons. I would not clog this Bill for Limitation of the Crown with this. It will be more natural in a Bill by itself. No man in the house, nor in the world, but will think this necessary in a Bill. It will have free agitation in this house, and before the lords. I would agree with the lords.

Sir [illegible] since this Proviso was tendered, and the gentleman told you it was necessary in five or six [illegible] might have been done. For the king's Power of Pardoning there is no doubt; but I say, by the [illegible] Power of Dispensing. He has none by statute law, that we know, nor by [illegible]

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* See vol. i. p. 631.

This is of vast consequence, and, I believe, the [illegible] but at a conference, we shall show, how convenient it is for the king to dispense in case of a misnomer for murder. The Judges are going [illegible] easily consider of it, to part with this Clause, so dismal to our liberties; and, I hope, you will [illegible]

Mr. Attorney *Treby*. I shall endeavour to rectify a mistake; you are told, 'the Bill was drawn by the king's counsel.' If you can show such an order, I will draw a Bill extempore. It [illegible] to the Judges to inspect the Bill, much more is it incumbent upon you. As for drawing the Impeachments, I can never do it till the committee will meet; and as for the king's Power of Dispensing, it is said, 'He can neither do it by common nor statute law;' for common law there is nothing above Henry 3. 'Tis said, though that be con- [illegible] Power has been executed, and without reproof of parliament; I believe it. Judge Hale gave Judgment of Dispensation in the Case of Thomas and Sorrel; but if enquiry be made, and you find it [illegible] thing but a parliament can say, that is not a law convenient to be used. A stone ill placed in a wall at first may be mended, but you [illegible] sons. In Hanson's Case, a man was supposed to be murdered, and was not; therefore there was a reason why the king should pardon him; and it must be taken for law, because a continuance of practice. You say, 'The late king [illegible] but all the people at once. 'Tis said, 'That, if we do not something in this, we acquit all the Judges of what they have done, and condemn ourselves.' There is not one word of retrospect in the Bill; but it says, 'From the first of June no *Non obstante*, but as formerly;' all [illegible] I need not speak; pray read the Clause.

Mr. *Sacheverell*. I hope Treby will justify me, that I attended the committee. As to this other, I would know how came the Clause of *Non obstante*, if the king could dispense without it? For the time past, I am glad to put up with a great many injuries done us, only to prevent for the future.

[illegible]

[illegible]

A Petition of John Bearecroft, esq. serjeant at arms to Charles 2, was read; setting forth, [illegible] the late earl of Manchester, then lord chamber- [illegible] Priests and Jesuits, who kept a mass-house and [illegible] testants to the Popish religion: which the pe- [illegible] prisoners to Whitehall; for which he hath, ever since, gone in danger of his life; and was [illegible] by he might receive a competent maintenance from him during his life: but, the petitioner escaping the rage and fury of those times, his said only son was murdered in the street by one Narrative Smith, a Popish priest; and the petitioner thereupon immediately thrown into the King's-bench prison, to his utter ruin, and [illegible] Revolution; not doubting then but to have found suffering men to have been rewarded: but, finding the contrary, and his petitions being rejected, for any place above-stairs in the king's household, by those that had the disposing of most there, that both knew the peti- [illegible] that would give most for them; and the petitioner wanting bread at this time; notwithstanding which he was forbid to trouble them any more: and praying, that the house would [illegible] put in his majesty's service; and that the pe- [illegible] witnesses to prove the same."

Resolved, "That the Petition be referred to the committee appointed to inquire into the [illegible] the Selling of Offices, and to prepare a bill or bills to prevent the abuses in selling Offices for the future."

[illegible] Miscarriages.] June 22.

Sir *Edw. Seymour*. I do not apprehend how [illegible] It is time to enquire after these Miscarriages, [illegible] information and satisfaction. If you do not what has not been done before, you will be what you were before. I was not for the abdicating Vote, but I am for preserving the government.

Sir *Christ. Musgrave*. If you appoint some [illegible] have copies, I know not what use you will [illegible] say what is fit to report, and what not.

Mr. *Howe*. I second the motion. The hearts [illegible] faction of all persons, I desire the Committee [illegible] ders, &c. and the transactions relating thereunto.—[illegible]

Case of Mr. Samuel Johnson.] June 24. Mr. Christy reported, from the Committee, to [illegible] be degraded, That the committee find the Case to be as followeth; viz.

[illegible] general, for making, printing, and publishing, a scandalous and seditious Libel, intituled, 'An [illegible] forced him to plead; procured a jury to find him guilty; convicted him; and gave the Judgment [illegible] Francis Withens; 1. To pay 500 marks to the king, and to lie in the prison of the King's-bench, till it was paid. 2. To stand in the pillory three days, in three several places; viz. [illegible] Exchange. 3. To be whipped by the common [illegible] Judges of the King's-bench, who sat then in [illegible] Francis Withens, sir Robert Wright, and sir Richard Holloway. That the Sentence was to [illegible] might be first degraded; for that it would be a scandal to the clergy, to have so infamous a punishment inflicted upon a minister.—Whereupon he, being a prisoner in the King's-bench, [illegible] the next day, in the Convocation-house of St. Paul's, in the diocese of the bishop of London; he being rector of Curringham in Essex, within that diocese. Upon the 20th, a Habeas Corpus [illegible] bench prison to the Convocation; where he [illegible] Peterborough, commissioners to exercise the [illegible] don, during his suspension, with some clergymen, and many spectators; and a libel exhibited against him by one Godfrey Lee, a proctor, dated that day, charging him of being [illegible] none, nor proved any; and only referred to a [illegible]—That Mr. Johnson demanded a copy of the Libel, and an advocate; both which the bishops denied him; but proceeded immediately to [illegible] be declared an infamous person. 2. That he should be deprived of his rectory of Curringham in Essex. 3. That he should be a mere [illegible] right and privilege of priesthood. 4. That he [illegible] and habits of priesthood. 5. That he [illegible] Against which proceedings Mr. Johnson pro[illegible] own diocesan; but they refused his protestation [illegible] his proper goods, bought with his money, which [illegible] to have them again. After all, they put a Bible into his hand; which he would not part with, but they took it from him by force. All this was done, viz. the Libel, Sentence, and execution of it, in three hours space, on Satur[illegible] executed with great rigour and cruelty, the whipping being with a whip of nine cords, knotted, shewed to the committee; and that Mr. Rouse the under sheriff tore off his cassock upon the pillory, and put a frize coat upon [illegible] bench, for the like matter as that against her [illegible]

Resolved, "1. That the Judgment against Mr. Johnson in the King's-bench was illegal and cruel. 2. That the Ecclesiastical Commission was illegal; and that, consequently, the Suspension of the bishop of London, and the authority committed to the aforesaid three bishops, was null and illegal. 3. That Mr. [illegible] degraded, by the bishop of London (if he had [illegible] ceedings before the three bishops to be illegal, null, and void. 5. That an Address may be made to his majesty, to recommend Mr. Johnson to his majesty's favour, for some ecclesiastical preferment suitable to his services and sufferings."

[illegible] *Blair and others, for dispersing king James's Declaration.*] Mr. Attorney-General reported from the committee, to whom it was referred to prepare Impeachments against sir Adam Blair, captain Vaughan, captain Mole, Dr. Elliot, and Dr. Grey, That they had prepared and agreed upon an Impeachment, [illegible]

ARTICLES OF [illegible] against sir Adam Blair, captain Henry Vaughan, captain Frederick Mole, John Elliot doctor in physic, and Robert Grey doctor in physic;

"Whereas king James 2 having abdicated the government; and their majesties king William [illegible]

[illegible] this realm, our sovereign liege lord and lady, [illegible] this realm, with all honours, styles, titles, regalities, prerogatives, powers, jurisdictions, and [illegible] annexed; and their said majesties have been [illegible] and whereas, in and upon their majesties pre- [illegible] tranquillity, and safety, of this nation, doth, under God, consist and depend: nevertheless sir Adam Blair, capt. Henry Vaughan, capt. [illegible] and Rob. Grey doctor in physic, being subjects [illegible] ought to bear to their majesties, as false traitors to their majesties, and this realm, did, [illegible] turb and destroy the said peace and common [illegible] move, make, raise, and levy war, rebellion, and insurrection, within the same; and to [illegible] subjects to abett and assist them therein; and [illegible] from their royal state, title, crown, and dignity; and to subvert the government of this [illegible] and under their majesties: and to that end they [illegible] to be used, to execute and accomplish the aforesaid wicked and traiterous designs: and, [illegible] aforesaid, they did traiterously hold, maintain, [illegible] jesties were Usurpers; and that the said late [illegible] rightful king of this realm; and did attribute to him the honours, styles, titles, regalities, pre- [illegible] belonging and appertaining to the imperial crown of the same: and, to compass, fulfil, complete, and bring to effect, their said Trea- [illegible] maliciously, and advisedly, contrive, make and procure, and cause to be made and procured, a certain detestable and traiterous Libel, purporting a Declaration of the said late king, by and under the name of king James 2; in [illegible] clared, as followeth; viz. "A Declaration of [illegible] to all his loving subjects in the kingdom of [illegible] bel from their majesties, their magistrates, and ministers of justice; and the same did traiter- [illegible] to and amongst divers of their majesties subjects: and this was most maliciously contrived, [illegible] were engaged in a just and necessary war, for the defence of this kingdom against the French king, and in the suppressing a Rebellion, pro- [illegible] against their majesties, in their kingdom of [illegible] against our sovereign lord and lady the king and queen, their crown and dignity, and against the laws of this kingdom. Of all which Treasons, Crimes, and Offences, the knights, citizens, and burgesses, in parliament assembled, do, in the name of themselves, and of all the commons of England, impeach the said sir Adam [illegible] the said sir Adam Blair, &c. and also of reply- [illegible] them, shall make to the premises, or any of [illegible] ment which shall be by them exhibited (as the [illegible] parliament, shall require); do pray, That the [illegible] every the premises; and that such Proceedings, [illegible] as shall be agreeable to law and justice, and course of parliament."

Sir *Tho. Clarges.* This is a case of blood, and I hope, if I am tender you will excuse me. In 19 Ch. 2, there was a committee appointed [illegible] Nov. 6, the Articles were brought in. The course then was, that a day was set to consider, upon debate of the house, 'Whether the facts [illegible] nine in the morning to five at night, 'Whether [illegible] lord Vaughan stood up, and would make good the 16th article; and said, 'I do accuse lord [illegible] enemies*.' I observe that in this parliament [illegible] oppression of Westminster-hall; and these [illegible]

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* See vol. iv. p. 384.

[illegible]

a messenger. I am satisfied; if he was, it must [illegible]

[illegible]

a warrant upon him; and I desire the messen- [illegible]

[illegible]

[illegible] vilege was broken.

[illegible]

mankind.

[illegible]

[illegible] laws. You cannot disable a dead man from office, but you may set a mark of displeasure [illegible]

Mr. *Christy.* If the king demands his opinion, and he gives a dangerous opinion, and no case drawn, it remains a doubt whether he [illegible]

[illegible] name a man that is dead? For except all opinions, and crimes may be more than in court. If there be a doubt in the case, he cannot answer for himself. I would have no question upon him.

The *Speaker.* I must take notice that, in the last Vote, you excepted a dead person; lord chief justice Wright.

[illegible] money. He was the worse for his place; his estate is very small, that descends to his posterity, and I would not except him.

Sir *Joseph Tredenham.* He is dead, and the [illegible] eaten have set his son's teeth on edge? He [illegible] and I question whether properly you can name [illegible]

Mr. *Smith.* I believe, this gentleman had a [illegible]

[illegible] Opinion at a private conference. His Opinion was not a Judgment in public; let it be affirmed [illegible] countenancing the law as to take the Test. I would restrain it to this point, and no more [illegible]

[illegible] Judges gave the Dispensing Power in charge; [illegible] the question in general.

Mr. *Hawles.* Before you put a general [illegible] you, 'He had his defence in his pocket.' (Sir [illegible]

[illegible] to draw Hales's Patent; if not, he is in the [illegible]

[illegible] Opinion; but they would not give any Opinion [illegible] court. I wish the gentleman (Sawyer) had his [illegible] you. It is plain and down-right, that this was to suppress the Protestant Religion. The same [illegible] tented; but I would not let the less guilty be [illegible]

Sir *Tho. Littleton.* Four are a reasonable [illegible] Attorney? They are but ministerial; the Draught is sent to them *in hæc verba*, and they do but sign it; and where they are but barely ministerial; I would leave them out.

Mr. *Palmes.* When you intended to except [illegible] Will you part with eight Judges in a breath?

Sir *Rob. Cotton.* We are upon the Judges, [illegible] General about prosecuting the Bishops. This will alarm many less criminal, and I am against it.

Sir *Tho. Lee.* There is a collateral question [illegible] I would ask one question for all, but I would not have it hereafter go for a rule, that a minis[illegible] so, who sets the seal to an illegal Patent—Families depending, it may raise many enemies, [illegible]

Sir *John Guise.* Upon this maxim of policy, I cannot agree to employ those I cannot trust, or put them in a capacity to do more mischief. [illegible] say to us? Pray what have they deserved your [illegible] from justifying himself. Pray propose every man in particular, and not a general question.

Mr. *Hampden*, jun. I think you cannot take [illegible] heal the nation; so far as is consistent with our safety, pardon all you can; only in one [illegible] ministerial officers, they are all so. Posterity is innocent, whoever is guilty, and put the general question.

Resolved, "That no more persons be excepted out of the Bill of Indemnity on this [illegible]"

Debate on a Petition being presented from the City of London, unsigned.] June 25. The Commons received a Petition from the Com[illegible]

Sir *Robert Howard.* I never heard of this Petition till now. To one thing I can speak;

[illegible] You are [illegible] the proper [illegible] and pray [illegible] sign it.

Sir *Tho. Clarges.* I have known formerly strange Petitions from the City of London. In [illegible] several [illegible] but the City is in much better temper. I know not, by what [illegible] the Petition [illegible] body of the City, and I would not have it read.

Mr. *Howe.* I would keep out that filthy [illegible] oblige our enemies. I wonder we should go [illegible] after three years ago. A great many members have suffered in [illegible] Clarges, and I [illegible] any thing that may seem to disoblige the City.

Col. *Birch.* The time I have sat here, I never knew when a Petition came from public persons, that ever it was signed; but as for [illegible] the Petition [illegible] the City to call a Common Council to have it signed, I believe it is true, that the country is [illegible] the government, therefore I would not disoblige them: that [illegible] under, by [illegible] them. There wants but one thing; if they [illegible] get as [illegible] the city of London, their work is done, that are disaffected. I would rather receive the petition in the usual manner, but rather than not receive it, I would send it out to be signed.

The Petition was sent out, and signed by the Sheriffs.

Sir *Tho. Lee.* When a member brings a Petition [illegible], he must [illegible] present it. The person who petitions must come to the bar, and own it.

[illegible] If your member was the messenger to receive the paper only, it is no great matter; but if he present it in his place, [illegible] the member. If he will, let him move for them to come in. He [illegible] their hands, he ought to [illegible]

Sir *Christ. Musgrave.* It was the Resolution of the house that this Petition should be signed. I appeal to you, whether it be signed; they only tell you they are directed from the Common Council to present the Petition to you.

Sir *Robert C*[illegible]. If that gen[illegible] but only signed 'Wagstaffe.' You have the P[illegible] the Sheriffs [illegible]

[illegible] of things. The city is a great body, and cannot sign the Petition [illegible] it. I do avow it, and so will other members, if [illegible]

Mr. *Howles.* I understood, that, when you sent it out to be signed by the Sheriffs, it should be in no other manner than it is, 'That they [illegible] Common Hall.' Perhaps they were told it would be a criminal matter to come with a multitude of hands. I think it ought to be read.

Sir [illegible] you ought not to read the Petition. Forms [illegible] observed [illegible] signed [illegible] registered. But they say, 'No, not that; but [illegible] act of theirs, they will not do it. This is not such a signing as the gravity of this house expects. It does not shew that the Sheriffs and Common Serjeant approve it, and for these reasons I must give my negative.

Sir *Tho. Lee.* I hope reading the Petition depends upon the matter of the Petition, and not the form of delivering it. The use of signing the Petition is, that there be no scan[illegible] own it, and are accountable to you for their discretion in the matter of it. I would read it.

Sir *Wm. Williams.* I do agree with Lee, if we come to pass [illegible] look at the matter. [illegible] the Petition, [illegible] the matter you cannot look into. If it be universally true that a petition ought to have hands, or seals, to it, you cannot receive it, and you have done [illegible] and corporations you have received petitions from, [illegible] Why do you [illegible] petitioners may be [illegible] say, 'They have order from the Common Council to deliver it to you.' You must have the Petition [illegible] a necessary rule. Suppose there is Treason in [illegible] the name of the house; I know it by experience in my prosecution. They are a body without a head, a body without a hand, when not signed. To read it without a hand,—I am against it. Let it be signed as it is usual. It is the [illegible] Petition, and [illegible] a hand to it, I shall never give my consent for it to be read.

Mr. *Boscawen.* I appeal to gentlemen, in times past, whether a Petition from the City, signed by a public officer, was not taken to be from the city? The sheriffs and common serjeant [illegible] members of the Common Hall, are included [illegible] that, you [illegible] was never [illegible] to the [illegible]

[illegible]

as to prepare you for reading it; and they [illegible]

at the framing the Petition, and when it was [illegible]

mation would you have? Does it not answer [illegible]

receive it; it is no fiction, no piece of poetry, [illegible]

ceive it, you put the negative upon the ball by the sheriffs.

[illegible] ceiving a Petition from the Commons ought to go out, because it is their right to petition.

Sir *Christ. Musgrave.* Till the Petition is [illegible]

The *Speaker.* I am satisfied in my judg- [illegible]

for taking off the Tests.] The petition was [illegible]

knowledge, upon this occasion, the infinite mercy [illegible]

wisdom and counsel to your honours; whereby [illegible]

pending thereupon. That, by the gracious influence of Divine Providence, this city is become [illegible]

Testament: the principal danger, impending [illegible]

ginning of the Reformation; whereby they first subdued and destroyed the Calvinists; [illegible]

Protestant brethren: and praying the ancient right of the city, freely to elect their Sheriffs and other magistrates, may be vindicated from [illegible]

Corporations to their rights and privileges may [illegible]

our king, and government; and the Invasion [illegible]

ral qualities and abilities, wherewith God Al- [illegible]

Debate on the Impeachment of Sir Adam Blair, &c.] June 26. The Impeachment of sir Adam Blair, &c. was read.

[illegible] son? In lord Clarendon's Case, it was said, [illegible]

I believe no precedent since that time. Fitz- [illegible]

grand inquest of England, and I hope I shall never be wanting in my duty. I would know, [illegible]

grand jury, the question ever was, 'Agree, [illegible]

the Indictment be according to law. I desire so much satisfaction as a jury would have. A consultation held, and no war levied, as in lord Russel's case, is no Treason. If the king's counsel will declare it to be Treason, I shall agree; if not, I doubt it [illegible]

make treason, I hope we shall not have power [illegible]

lord Strafford, says, 'that judgment cannot be exercised but by Bill.'

Sir *Tho. Lee.* I confess, that I have not [illegible]

will not controvert it, but I never heard that a [illegible]

to be kept solely in parliament, lest it should be an example to Westminster-hall; and there- [illegible]

into the statute of Edw. 3, by way of caution, like firing of a beacon. You send not up the [illegible]

credit upon making it good, and the commons [illegible]

hold out with the lords as well as here; else the evidence should be punished. It is a mischievous practice, when the courts of justice have been exorbitant, and would be safe in so [illegible] throwes this. If this be a general opinion, I [illegible] ment; if it be a crime (which every body [illegible]

Sir *Tho. Clarges.* Lee was of opinion, in lord Clarendon's Impeachment, 'That there was [illegible] tary, that it was treason, to assert treason, with [illegible] cases, &c. After that act, Treason was bandied [illegible] Hawksley was adjudged for making a motion in parliament, insomuch that Hen. 4 was petitioned by the lords and commons, 'That [illegible]' and in queen Mary's time it was repealed. I dare put my credit upon it, there has been no [illegible] Vaughan used this argument, 'That there was [illegible]

Sir *Tho. Lee.* My friendship to lord Clarendon induced me no farther, than that I was [illegible] the king; but I concurred with the house, and [illegible] ments easy here. At that time the king was [illegible] him, that he might go out of town into the [illegible] randon, who at that time went to church, and was reputed a Protestant; at the same time, [illegible] him, and a gentleman then said (Waller) 'Touch a lawyer, and all the lawyers will [illegible]

There are two ways of delivering in an Impeachment; one at the lords bar, another at a conference. The Impeachment of lord [illegible]

Mr. Seymour †. I leave the house to consider [illegible] a conference.

Col. *Birch.* I have sat here long, and seen [illegible] worth, though aged (serjeant Maynard) I would [illegible] me, who know nothing of the business. Pray [illegible]

Col. *Birch.* I never refused the service of the house. The reason why I moved for ser- [illegible] Strafford. Clipping a shilling is treason, and is not subverting the government? I would have [illegible] to be carried up to the lords by col. Birch.

When the above Articles were carried up to the lords, they appointed a Committee, to in- [illegible] house of commons. This committee reported on [illegible] further off, because they found the entries still [illegible] particular account touching the method of [illegible] whether the lords on the woolsack were sitting while the Articles were reading; nor doth it [illegible] between the receiving a Message where an [illegible] other Message."—On the 29th of June, the house of lords appointed a committee to in- [illegible] those precedents. On the 2d of July, the earl of Rochester reported what precedents the committee had found in the Journals, and [illegible] question being put, "Whether this house will [illegible] impeached were then ordered to be brought to [illegible] Articles are read; they are allowed copies and counsel; and then are ordered to stand com- [illegible] trials.—On the 12th of July they put in their Answers in person at the bar; which were [illegible]

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* See vol. iv. p. 385.

† Vol. iv. p. 347.

* It does not appear that the Commons

Report of the Warrant against the Earl of [illegible] earl of Danby, viz. 'That on Friday last, the [illegible] Danby had fitted out a small vessel with arms, [illegible] and a wherry to carry him away; that he had [illegible] he had not time to put it in writing, nor was it given upon oath, but he wrote it, upon memory, for his own satisfaction. Upon enquiry of the reasons, &c. from lord Danby, he said, 'That the vessel was his own yacht, that he had fitted it with the same arms it had, and no more than before, to make use of for his diversion; and that he had no design in the least criminal.' 'This,' lord Nottingham said, 'he [illegible] ing his behaviour in the change, in contribut[illegible]

Debate thereon.] Mr. *Howe.* I am willing to go on in the Act of Oblivion, but I am concerned that this proceeding sticks not only on [illegible] be in danger. But if, by intreaty, a man may be taken up in this manner, every mother's son may be taken up. I hope you will order the matter so, that you may justify your proceedings.

Mr. *B*[illegible]

Sir *Robert Rich.* I suppose that gentleman was [illegible] count of it. He said, 'He had served the [illegible]

Sir *John Thompson.* You may remember, [illegible] 'That lord Nottingham granted the warrant without oath.' I have nothing to say to lord Carmarthen, but one member is injured, and I know not how to justify the thing. If this warrant was granted as a privy-counsellor, or a justice of peace, I know no law for it; for if six privy-counsellors do it, and here is but one, it is worthy your consideration. If as a justice of peace, he cannot take up a man without [illegible] ther, and imprison a man, I know not who can [illegible] elections go at, and the determination in sir [illegible] parliament as they please. I know not but that it may be in the power of one great man to make a parliament. I hope the house will be jealous of their right.

Sir *Robert Cotton.* I take it, any member [illegible] not be detained without leave of the house [illegible] cessary. I think the power of the Habeas [illegible] ther one privy-counsellor, without six, can take up a man, without oath, in matters of felony, [illegible]

Sir *Francis Blake.* I should be loth to go into Northumberland without this being decided; there would be no safety for me when I am at [illegible]

Sir *John Guise.* I am much concerned that this, by a general silence, should be passed over. The Breach of Privilege seems plain; is it not a thing to be mended? If this be prejudicial, and made only a jest, to pass it thus over, if this be done to one, it may to another. Whether if you complain to the [illegible] not be prejudicial? I would pass it over rather than give interruption to the great business, but so that neither I nor any man else be taken up.

Mr. *Garroway.* I cannot see but that this is a breach of privilege. I would not drive it [illegible] in it is another thing, but I hope you will vote it a breach of privilege, though it be no commit[illegible] ham, without coming to the lords. I would vote it only a Breach of Privilege, and address the king to take order that the like be not done for the future.

Mr. *Howe.* I cannot agree to this motion. Have we not declared our right? What are we the better? [illegible] lishmen, we shall not forget our rights; and [illegible]

Sir *Christ. Musgrave.* I think this is a breach of privilege. I suppose it is not the [illegible] If that be not our privilege, I know of none that we have. I would not have it go off, that he could warrant the thing. I think we ought [illegible] the king that nothing of this kind be done for the future.

[illegible] *Ber*[illegible] If this had been [illegible] vilege of parliament, I would be for it as proposed; but the thing apparent in the warrant is called 'treasonable practices,' and it was [illegible] If there be any thing you do not see, pray let us feel it, if you will examine it to the bottom. I am not so much lawyer as to distinguish 'treason,' and 'treasonable practices.' See

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[illegible] On the 31st of March 1690, in a subsequent [illegible] ords that he might be bailed, which was con[illegible]

[illegible] bottom of all, and then take your [illegible]

Mr. *Charles Montagu*[*]. There is one thing I cannot solve. The Paper that lord Nottingham gives in says, 'The Information was given in on Friday,' and the warrant bears date on Thursday.

Sir *Tho. Clarges.* That may be a mistake He said, 'The warrant was for treasonable practices,' which is bailable. For treason and felony, it is plainly expressed, if [illegible] justice [illegible] vote it a Breach of Privilege, and address the king to signify your opinion of it, that it may not be so for the future.

Sir *Rowland Gwynn.* I am willing you should put the question, but if you say no more than is proposed, I am against it. I think my lord of Nottingham's answers are not fair. I know not what to make of it.

Serjeant *Maynard.* As this case stands, a member is imprisoned, and a warrant is made to take him for treasonable practices; if we take notice of it, and let a member sit amongst us so accused, we cannot [illegible] answer that. We are to vote it a breach of privilege, and then enquire what those treasonable practices are. At this rate, we may all be imprisoned, and whipped to our lives end. Vote it a breach of privilege, and sit not mute upon so plain a breach.

Sir *Henry Goodrick.* I look upon this as an invasion of privilege, and worthy your cognisance. I hear it moved to refer it to the committee of privileges to enquire into it, but I think that not fit. From whom will you have informations? Will you send for lords Nottingham and Carmarthen? I would have a good correspondence with the lords; the peers will not come to you, and there will be a rupture; but if you will come up to the motion, for your honour and ease, vote the breach of privilege, and then [illegible]

Mr. *Garroway.* I shall speak to your question. It does not appear by that Answer, which lord Nottingham gave, that there was sufficient cause to take lord Danby into custody, and therefore vote it illegal, and a breach of privilege.

Col. *Birch.* I desire to speak a word to the question. I have told you that I thought this a strange thing, and it was as strangely done for a person of his understanding and honour. To me it appears more; when lord Danby to this House [illegible] and [illegible] by that, [illegible] more in it than at the present appears.

Mr. *Harbord.* I would know what you aim at, that I may see whether you are like to have good success. I take this imprisonment of lord Danby to be occasioned by his father. I would do as I would be done by. If a child do against his father's desires, a parent would prevent it. Here comes the marquis of Carmarthen to lord Nottingham, and tells him his son will go to sea, in a hostile manner, without a commission, and he is a pirate by doing so, and must die for it. He applies to lord Nottingham; but that is not a good way; he should have applied to the lords commissioners of the Admiralty, and has not done as he should, but it is a hard case to lay the stress upon lord Nottingham; and if I had a son that had done as lord Danby, I would have done so; and therefore, as Garroway proposed, the complaint against lord Danby is not sufficient to put him in custody. I have no obligation to lord Nottingham: I speak my mind, and I care not two-pence for those who interrupt me, [some being in passion] be they who they will. I have drawn my sword for the king, and I care not for the censure of any man. I would leave lord Nottingham out of the question.

Sir *T. Littleton.* He that touches the parliament, touches the vital part of the nation. The fault is the greater; for the man is not fit to be secretary that carries about him the legislative authority to commit in this manner. The messenger had been clapped up, if he had not done it; it was the secretary did it. Put the question thus, 'That granting the Warrant without notice, &c. was a Breach of Privilege.'"

Mr. *Howe.* I am satisfied of Harbord's good intentions; but if I had a child, I would have a French Protestant to govern him, and not a secretary of state. We are told of your member's pirating, but what reason for his taking up, I know not; but pray right yourselves, and put the question.

Sir *Joseph Tredenham.* I desire, that my son should be tutored by an Englishman, and not by a French Protestant. I am entirely

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[*] "A young man, Mr. Montagu, a younger branch of the earl of Manchester's family, began to make a great figure in the house of commons. He was a Commissioner of the Treasury, and soon after made Chancellor of the Exchequer. He had great vivacity and clearness both of thought and expression: his spirit was at first turned to wit and poetry, which he continued still to encourage in others, [illegible] business. In the parliament of 1700, that the [illegible] pose them, they got him to be made a baron by the title of Halifax, which was sunk by the [illegible] In 1701, (being then Auditor of the Exchequer) he was impeached by the commons, but acquitted by the lords. In 1707, he had a great share in the Union, and having proposed the Bill for settling the Succession in the House of Hanover, he was appointed by her majesty to carry over that Act to the elector. He continued in the queen's favour till the change of the ministry [illegible] the king's accession he was appointed first lord of the Treasury, and soon after was created earl of Halifax. He died without issue in 1715, aged 54." Burnet

[illegible]

such a question.

[illegible]

refer the rest to a committee.

[illegible]

out the writ against a member, are upon [illegible]

warrant.

[illegible]

[illegible] hitherto laid out: And to that end, I have [illegible] land-forces. I must remind you of making an [illegible] the States of Holland; and I doubt not but you will take care to see a fitting Revenue settled for myself.—My Lords and Gentlemen; I will [illegible] at a time that requires union and vigour in [illegible] and I do promise that nothing shall ever be wanting, on my part, which may contribute [illegible]"

Debate in the Commons on the King's Speech.] Sir *Robert Howard.* The king is pleased to leave the matter to us; and, in the first place, let us return Thanks to the king, &c. and go into a committee to consider the Speech, [illegible] by paragraph.

Sir *Tho. Clarges.* We cannot be able, before the recess, to make a judgment of the arrears of the Money; by winter we shall have time to make recompence for what falls short. Till then we cannot compute what that will be. [illegible] till then we are not able to give the king any [illegible]

Mr. *Howe.* I think there is another business [illegible] We are not yet off from lord Danby's Breach of Privilege: I would neither frighten the [illegible] but if you will pass this over, I will say no [illegible]

Col. *Birch.* We all desire a recess, and to me seem to do a quite contrary thing. The [illegible] for ought I know, we may sit till Michaelmas, and not do it. This is a fine thing to keep you from all business. I would dispatch all bills [illegible] count, you will be satisfied in a day or two. [illegible] Poll-Money. I remind you that Money stands [illegible] came heartily to our assistance; therefore take [illegible]

Sir *John Thompson.* Let us do our country [illegible] upon what is before us; and to-morrow we [illegible] cess; therefore go to-morrow upon the Excise.

Mr. *Howe.* I am willing to go as soon as possible upon Money. I am sensible of the service the Dutch have done; many an honour-[illegible] Irish Affairs, and save you the labour of particular Accounts. If the Dutch can fit out more [illegible] in Money. Upon the whole, I am ready to give money when it is requisite; but you may [illegible]

Sir *Tho. Clarges.* In our Aids to the king, we have not limited one thing nor another. We [illegible] supplied. I cannot see how more money can [illegible] nue, altogether, are three millions betwixt this [illegible] taking upon the Revenue, to settle it; till the [illegible] know not how to put the wheels faster upon a run than they are.

Resolved nem. con, "That the humble Thanks of this house be returned to his ma[illegible]"

Mr. Hampden acquainted the house, "That he, [illegible] had, according to the order of the house, attended [illegible]"

Sir Henry Capel acquainted the house, "That he, with others of his majesty's privy-council, had, according to the order of the [illegible]"

[illegible] "That he, with others of his majesty's privy-[illegible]"

[illegible]

Further Debate on the Heads of Exceptions in [illegible]

[illegible] Heads of Exceptions in the Bill of Indemnity. The prosecution of the Bishops was moved to [illegible]

Sir *Leveson Gower.* I have spoken with [illegible] They are better Christians than to desire any [illegible] I think therefore the house may pass upon some other Head.

[illegible]

Mr. *Garroway.* I think, if you proceed [illegible] parliament, yet the king has a great power in [illegible] would make him satisfaction for his sufferings*; [illegible]

[illegible] roots. I take this occasion to venture a mo- [illegible]

Col. *Austen.* I am for naming mighty mem- [illegible] is the cry of blood answered, if you do not [illegible]

[illegible] life, suppose four or two. You know a dead [illegible]

Mr. *H[illegible]e.* I think what you are now doing [illegible] in what he has done; if you exempt those, you arraign what you have done already. The [illegible]

[illegible]

Mr. *Harbord.* I am for catching the great fishes; to catch little rogues is not worth your while. I would not fall into this same misfor- [illegible] he is a little fellow. But for a secretary of [illegible] son's wounds smart upon us. If he escape thus, what security can we have? I am not [illegible]

[illegible] sion in its constitution. Nothing in itself, these [illegible] and unecclesiastic them! Things grow on by steps and degrees; when they found that the [illegible] of the Judges

Mr. *Coningsby.* This is jumping indeed. [illegible] ten, and as you have exempted but two out of [illegible]

Mr. *Smith.* None of these acted according to their commissions, but set up a law-making [illegible] testants—but I would have it showed, what [illegible] cuse them. I would favour as much as any [illegible] in the first and second Commission, I would [illegible] those that acted in the latter; I would not so much as exempt the clerks. If I make enemies of them, I care not. I am not for being [illegible]

Mr. *Wynn.* Will you except one (lord Ro- [illegible]

Mr. *Hoar.* This power was certainly un- [illegible]

[illegible]

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* "Mr. Samuel Johnson, (who had been chaplain to lord Russel) setting forth 'An humble [illegible]

[illegible] our country's liberties. I have sat here with [illegible] in that Commission. It was called 'the Ecclesiastical Commission,' but it laid the axe to [illegible] first. It gave a power to make all the noble[illegible] man's conscience concerning his whole life against God or man; upon pain of excommu[illegible] writ *De excommunicatio capiendo*; whatever the crime was, though against himself. This gave a liberty to all informers; they might give [illegible] be said in churches; they might turn out all [illegible] In Sidney College, the founders took especial care, and did abhor the errors of Popery, and [illegible] mass to be said in the college, they set it up in the porter's lodge, that at length it might [illegible] Never was there [illegible] a thing done in the face of the sun, to bring in [illegible] not excepted; he had a writ *De excommuni*[illegible] was at their will. If you excuse these men, ex[illegible] Empson and Dudley, who cunningly got a patent to punish men in a summary way, without [illegible] Treason, for so the record is entered in the [illegible] remedy; by that cursed *Non obstante* to the [illegible] commissioners. As that prosecution of Emp[illegible] Elizabeth gave but a poor patent for a place, [illegible] they durst not; examples were fresh of those [illegible]

Sir *John Guise.* I should not pretend to ex[illegible] that there can be no degrees in it; but I ob[illegible] plainly, I think it of so high a nature, that [illegible] fit to serve the nation in any public capacity. I know not their names, but begin first with the privy counsellors, and their actions; that [illegible] never be for the future.

Mr. *Ettrick.* Being named of this Com[illegible] I am for making as many friends as we can; [illegible] the third, fourth, and fifth Commission plainly acted against the laws. You did take several [illegible] all of them did not act in it. I would not put [illegible] them takes him in. Therefore I would have [illegible] by name.

[illegible] only, 'He was named in the Commission,' [illegible] with a dead person?—He was excepted.

[illegible] upon him; he was left out of three commis[illegible]

[illegible]

* "Sancroft lay silent at Lambeth. He [illegible] course, but he was of such a timorous temper, [illegible]

Sir H[illegible] [illegible]. I [illegible] this [illegible]. When your privileges were arraigned, he stood to you; he is but in [illegible] left out.

Sir *Tho. Littleton.* I find it the disposition [illegible] pass [illegible] but put the question solemnly; not to pass it off as if he were a great man, and had friends, and so left out.

Sir *John Guise.* I shall be as gentle upon [illegible].

Mr. *Smith.* I am ready to excuse this gentleman, [illegible] was guilty of no crime. I am satisfied he has deserved [illegible] Bishops case, and is a good Protestant.

Sir *Robert Howard.* I have heard from the bishop [illegible] managed by Dr. June and Dr. Patrick, with the Jesuits. I would never put it to the question, but to have it marked as an ill thing to sit in the Ecclesiastical Commission, but to say it is no crime, that is a fault. I would have these things ap[illegible], not to his justification, therefore I would put no question upon him.

[illegible] house, but will say this was a crime in this lord; but whether he shall not be excepted out of the Indemnity [illegible] sitting in the Ecclesiastical Commission, is the question. No [illegible]—The earl of [illegible] was excepted by vote.

On the bishop of Durham *.

Sir *Robert Howard.* [illegible] commissioners. He understood little law, and less gospel, but he was [illegible]. He went through in the Commission [illegible] the last Commission [illegible] such an exorbitant [illegible], where every man's estate, liberty, and wife, were at their disposal. I was a trustee for the duke of Norfolk—In that [illegible] great consideration of the [illegible] that court [illegible] settlement. This prelate stuck to this Commission, from first to last, with [illegible].—He was excepted.

On the bishop of Rochester *.

Sir H[illegible] [illegible]. It is known to most [illegible] that [illegible] saved himself. He was [illegible] by the [illegible] Commission. He protested the Protestant religion, and I cannot reckon him so highly criminal.

Mr. *Arnold.* I wonder that the bishop, when we consider the worthy book he writ, 'the History of the Plot,' should find advocates here.

Sir *Robert Cotton.* He was a friend to the University and the vice-chancellor. He argued the [illegible] unreasonableness of the proceedings of the Commissioners. He opposed every thing in the proceedings against Magdalen-College.

Mr. *Baldwin.* There is this farther to be said, that he deserted the Ecclesiastical Commission wholly, when they proceeded against Magdalen-College, and wrote a book against it.

Mr. *[illegible]*. He acted with great zeal for the Protestant religion. He never gave his consent to one vote or decree of that Commission against the Protestant religion. He made it his business to defend it. Except acting in that Commission, he is guilty of nothing.

On lord chief justice Herbert.

Mr. *Howe.* You have excepted him once; he is put into the Bill of Attainder. I would not worry a man that is gone out of the kingdom.

Mr. *Smith.* You cannot vindicate the justice of the nation, if you take no notice of [illegible], when three witnesses have sworn, that [illegible], and he is put into the bill of Attainder.

Mr. *Howe.* Something is to be said in his behalf. He left his place, because he would not give his judgment against the deserters.—Lord chief justice Herbert was excepted.

On the earl of Mulgrave †.

Mr. *Howe.* Nobody can think I can have had long acquaintance with this lord, but I have been well informed that all his life he has voted for his country's interest, though he was

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* Nathaniel lord Crew. "He was lifted up with the Ecclesiastical Commission, and said, 'Now his name would be recorded in history.' And, when some of his friends represented to him the danger of acting in a court so illegally constituted, he said, 'he could not live, if he should lose the king's gracious smiles.' So [illegible]. At the Revolution [illegible] fronts, and had offered to resign his bishopric [illegible] least a pardon for all that he had done." Burnet.

* "Dr. Sprat, justly esteemed a great master of our language, and one of our correctest writers. He died in 1713." Burnet.

† "Lord Chamberlain to king James, and afterwards duke of Buckingham. He was ready to comply in every thing that he thought might be acceptable; for he went with the king to mass, and kneeled at it. And being looked on as indifferent to all religions, the priests made an attack on him. He heard them gravely arguing for transubstantiation. He told them, 'he was willing to receive instruction: he had taken much pains to bring himself to believe in God, who made the world and all men in it: but it must not be an ordinary force of argument that could make him believe that man was quits with God, and made God again.'" Burnet.

[illegible] He came in to the government [illegible]

Mr. *Smith*. His name is in the last Commission, and I know those injuries you have [illegible] of Magdalen-College [illegible] be excepting [illegible] if the country be concerned, I would not except him. Let any gentleman tell what he has done for the [illegible] of the nation, and I am for excusing him.

Col. *Austen*. I stand not up to excuse him; but from a great clergyman I have had it, that he stood for the Protestant religion.

Sir [illegible]. If the member can say he was more active than some you have excused, I would not pass him by. You find nothing in the Books of this man's actions. I would pass him by.

Sir *John Guise*. I have heard of good things he has done; he stood for us in the house of lords for the good of the nation.

[illegible]. [illegible] not charged for anything, but for taking the Commission [illegible] may come in to as much favour as any he. —He was not excepted.

On the earl of Huntingdon.*

Mr. *Carter*. I hope this lord will not appear to be the greatest offender. He came in to act in this Commission when the lawyers and bishops thought it safe to act. He was [illegible] before he acted, and advised with several lawyers, who gave him encouragement to proceed. [He was called upon to name the lawyers.] He dissented in divers things [illegible] they acted against the Church, and before the bishop of Rochester came in, he dissented. I move, that he may not be excepted in the Bill.

Mr. *Harbord*. I could tell a story of this lord, how that three days after the prince of Orange landed at Torbay, he went post to [illegible] to take possession of it, [illegible] with his regiment, which was then quartered there.

[illegible]. It is strange to see how prettily we are turned off from what was proposed. Because this lord was in the last, and not in the first Commission, therefore [illegible] would excuse him.

Sir *John Guise*. I am for the series of the inclinations of men. This lord was once a great [illegible]. He acted [illegible] Ecclesiastical Commissions. He did go through Devonshire to raise the country against this king, and has done no service since: surely you will [illegible].

[illegible] the earl of Huntingdon [illegible] and the bishop of Chester,† were excepted.

On Sir Thomas Jenner.

Mr. *Smith*. I know not if ignorance and poverty may be an excuse for their [illegible]ment; if it be an excuse for this man, he may [illegible].

Sir [illegible]. He was so [illegible] in the Ecclesiastical Commission at Magdalen-College, that the bishop of Chester and the Judges thought to put him out.—He was excepted.

[*Extract from the Treaty with the States.*]

July 2. Mr. Hampden acquainted the house, That, in Answer to their Address, relating to [illegible] of Ships [illegible] the States General [illegible] were obliged to set forth, for this Summer's Expedition with his majesty's fleet, his majesty said, all were come in, but two: and ordered lord Nottingham to give an Extract of the Treaty with the States, which was as follows:

"The States-General shall put to sea 30 ships of war, [illegible] from 70 to 80 guns, seven from 60 to 70, and fifteen from 50 to 60 guns, beside 9 frigates and 4 fire-ships: on board of which shall be [illegible] men."

July 3. Resolved, "That a second Address be presented to his majesty, for leave to inspect the Books of the Privy-Council, and those of the Irish Committee, and for taking copies of such Papers as relate to the Irish Affairs."—And a Committee was appointed to draw up the said Address, accordingly. Who were likewise instructed to enquire, why the Dutch Fleet was out no sooner to join the English Fleet. Also, why the English Fleet was laid up, and why there was a delay in setting forth another.

Resolved, "That an Address be presented to his majesty, That he will please to appoint a Fund of Credit, for such as will furnish Money for relief of the Irish Protestants fled into this kingdom;" which the house engaged to pay.

July 5. The Address was read and agreed to, for leave to inspect the Council-Books, and to take copies of Dispatches from Dec. 27, 1688, to June 1, 1689, in which, the deplorable State of Ireland was brought, [illegible] the neglect or ill conduct of some persons employed in the affairs of that kingdom. And the reason of this request, we humbly conceive to be, That we may be enabled to give your majesty such advice, as may prevent the like Miscarriages for the future.

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* [illegible] colonel of a regiment. He died in 1701.

† Dr. Cartwright. "He was a man of good [illegible] [illegible] He was [illegible] servile, cruel and boisterous: and, by the great liberties he [illegible] the worst [illegible] He [illegible] set himself [illegible] to raise the king's authority above law; 'which (he said) was only a method of government to which kings might submit as they pleased; but their authority was from God, absolute and superior to law, which they might exert as often as they found it necessary for the ends of government.' So he was looked on as a man that would more effectually advance the design of [illegible] step, even in the most desperate state of his [illegible] Wright and Jenner, were the three Ecclesiastical Commissioners for visiting Magdalen College, and he, in particular, acted in so rough a manner, that it showed he was [illegible]." Burnet.

The same day, a Report was made of several children, educated in Popish Seminaries abroad, by direction of their parents and guardians. And leave was given to bring in a Bill to prevent the like abuses, and oblige such children as were then abroad, to return.

July 6. Colonel Birch made his Report, from the committee, appointed to examine the Petition of John Topham, esq. serjeant at arms; the substance of which was as follows: "That the said Topham being served with several actions of assault and battery, by certain persons [illegible] the Orders of the house, and pleaded the [illegible] to the said actions, in justification: and that his pleas were, notwithstanding, over-ruled: Jeffreys, Holloway, Walcot, Pemberton, Jones, and Raymond, during the time of those several Actions, being Judges of the King's-bench."

Resolved, "That the said different Judgments, given in the King's-bench against the said Topham, are illegal, and a violation of the privileges of parliament, and pernicious to the rights of parliament, and that a Bill be brought in, to reverse the said Judgments."—Ordered, That sir F. Pemberton, sir T. Jones, and sir F. Withins, do attend the house.

July 10. The Bill for an additional duty on Coffee, Tea, and Chocolate, under the title of 'An act for collecting the duties upon Coffee, Tea, and Chocolate, at the Custom-house,' was passed, and ordered up to the house of lords.

Sir F. Pemberton and Sir T. Jones, examined.] July 10. Sir Francis Pemberton being desired by the house to give his reasons for over-ruling a Plea of the Order of that house, in the Case of Jay and Topham, he replied, That he knew little of the Case, it was so long since: But, that in case a defendant should plead he did arrest the plaintiff by order of this house, and should plead that to the jurisdiction of King's-bench, he thought, with submission, he could satisfy the house, that such a Plea ought to be over-ruled: and that he took the law to be so very clearly. He then withdrew. Sir Thomas Jones being then examined to the same point, was pleased to reply, That though it was long since the Case was argued; and that he, not knowing what he was to attend upon, could give no account thereof: but, that, if any such Judgment was given, he hoped it was according to law, as the matter was pleaded. And then he withdrew.—Sir Francis Pemberton was then [illegible] again [illegible] his Reasons being [illegible] [illegible] he desired [illegible] both [illegible] together, [illegible] the particular Case of Jay and Topham. But an immediate Answer being insisted on, he said, That what he spoke, was *quoad hoc*, to that Case; however, [illegible] he had said, [illegible] thoughts and reasons.

Being withdrawn, it was Resolved, after a debate, "That the Orders and Proceedings of this house being pleaded to the [illegible] the Court of the King's-bench, ought not to be over-ruled." Ordered, That sir F. Pemberton, and sir T. Jones, do attend the house again.

Reasons to be offered at a Conference on the Bill of Rights.] July 11. Mr. Carter reported, from the committee appointed to draw up Reasons to be offered at a conference with the lords, on the Bill 'for declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown,' That the said committee had agreed, as follows:

"That the commons do not agree with your lordships in the 1st Amendment, [illegible] (relating to the Settlement of the crown in the Hanover line) for these Reasons: 1. That it is not contained in the Declaration, which was presented by both houses, to their majesties, upon their acceptance of the crown. 2. A further limitation of the crown, may be of dangerous, and of ill consequence. To the other Amendments, they disagree, because the Dispensing Power has been [illegible] of memory. Because it hath unreasonably increased from time to time, to the overthrow of [illegible] good [illegible] [illegible] abused, [illegible] erected [illegible] because the [illegible] consequent thereon, are so great, that the commons can find no remedy to prevent the same, but by a [illegible] the same, and [illegible]."

Ordered, That the Conference be managed by the said committee.

Judgment of the King's-bench, against a late Speaker, reversed.] July 12. The Record of Judgment of the Court of King's-bench, upon an Information against William Williams, esq. in the name of sir Robert Sawyer, attorney-general, being read, Resolved, "That the said Judgment, &c. for matters done by order of the house of commons, and against Wm. Williams, esq. as Speaker thereof, is illegal, and against the freedom of parliaments; and that a Bill be brought in to reverse the said Judgment."—Ordered, That sir Robert Sawyer do attend in his place, to give the house a particular account of the Orders, &c. he received for the said prosecution.

The King's Message for a Recess by Sir R. Howard.] Sir Robert Howard then informed the house, that he was commanded by his majesty to let them know, "That his majesty is very sensible of the great burden of business that has lain upon them; and, which he hopes is now near finished, that the country may receive the advantage of a Recess by the several members assisting in the settlement of public affairs; and also, that they may have the benefit of it, to take care of their own particular concerns. And that though his majesty believes, that this house is assured, that [illegible] wards winter; other than what the house have, now, themselves designed: and had commanded him to acquaint the house, that, [illegible] desires) in examining of. Lastly, his majesty [illegible] Act of Indemnity, which was all he had in com[illegible]

[illegible], That sir [illegible] Howard [illegible] pre[illegible] majesty. Resolved, That a Clause be added [illegible] Bill for settling the [illegible] vested in their majesties, and that all acts relat[illegible] the same [illegible] Revenue to be settled upon their majesties, be [illegible]

[illegible] land, "That it has appeared to them that se[illegible] had been in custody here in England, and were released; and had Passes given them, and that Mr. Jephson, a member of this house, was then secretary; and that the committee had direct[illegible] an account thereof to the house." And then the house made an Order accordingly. As likewise, that the auditor of the exchequer do [illegible] issued out of the exchequer for secret services, [illegible]

[illegible]] Sir John Guise then farther acquainted the house, [illegible] &c. his majesty was pleased to answer, 'He [illegible]

A debate ensued on his majesty's Answer to [illegible] to inspect the Council-Books, &c. are ener to the king and kingdom." [illegible]

A debate then arose, touching an Address to [illegible] marquis of Halifax, and marquis of Caermarthen, from his council; but was adjourned.

Mr. Jephson's Vindication.] July 15. Mr. [illegible]

Report of a Conference with the Lords on the Bill of Rights and Succession.] July 16. Mr. Carter reported from a Conference with the [illegible], That lord Rochester managed for the lords, [illegible] the house thereon.—"1. Though in the Instrument offered to their majesties, the limitation went no farther than their persons, yet in a law which has respect to all succeeding ages, and that settles for ever the Liberties of the Subject, they think it reasonable to carry the limi[illegible] that had no view but of the Succession to their posterity. 2. They can see no danger, nor any ill consequences that may follow on a far[illegible] For, 1. This secures the nation effectually from the danger of having a Papist to reign at any time hereafter: since of such a number of [illegible] shew a change in their religion, if they had a [illegible] who is a pretended Protestant, but is, in truth, a concealed Papist to reign over us, the most [illegible]clare the Succession in a family, that we know is certainly Protestant. 2. It is the interest [illegible]ing to the Proviso. For, since this limitation [illegible] aside, it would look like an excluding of this [illegible] the nation in the present conjuncture.—And [illegible] their Proviso, the same Reasons determine them likewise to insist upon that part of the [illegible] Amendments, it passed in the negative. After [illegible]posed to be offered at a free Conference with [illegible] said Amendments.

[illegible] house, that the duke de Schomberg desired to [illegible] he [illegible] just [illegible] the servant [illegible] crown [illegible] to Ireland [illegible] would very willingly acknowledge the care this house hath [illegible] that he had received of it, and take his leave of them; that his merit was great, and that the king had rewarded it like a king; having made him a duke and peer of England, and settled 5000*l.* a year on him and his heirs, in lieu of the like Revenues he had lost in France and Germany: two peers and two of the house of commons being named trustees, for the making purchases in order thereto.—The duke being then introduced, sat down, covered, in a chair placed for him towards the middle of the house, where having continued some time (the serjeant with the mace standing at his right hand) he rose, and, uncovered, spake to the following effect:

"Mr. Speaker, I have desired this honour, to make my just acknowledgments for the great favours I have received from this house, and doubt not but to find the effects of it in his majesty's grace and favour; and also take my leave of this honourable house, being now going to Ireland, where I shall freely expose my life in the king's service and yours."

The Speaker then replied as follows: "My lord, the services that have been done by your grace to their majesties and this kingdom are so great, that they can never be forgotten: I am therefore commanded by this house to acquaint you that they are extremely satisfied that his majesty's army is committed to your grace's conduct; and they doubt not but the war will be prosecuted in such a manner as will fully answer all their expectations. This house doth likewise assure your grace, that, at what distance soever you are, they will have a particular regard, as much as in them lies, of whatever may concern your grace, or the army under your command."

His grace then withdrew, and Mr. Comptroller acquainted the house, that his majesty consented that the Council Books might be inspected, both as to the collecting the Customs and Excise, after the death of Charles 2, and in relation to the Irish Affairs.

July 19. Sir Francis Pemberton and sir Tho. Jones were severally examined, touching their Reasons for over-ruling the plea of serjeant Topham, to the action brought against him by one Jay, and ordered into custody of the serjeant at arms.

July 20. Sir W. Pulteney reported from the free Conference with the lords on the Bill of Rights and Succession, 'that the matter had been debated by both parties, and that there were hopes the lords would agree with this house, touching the said bill.

July 22. Sir Thomas Littleton reported the Reasons to be offered at a Conference with the lords, on the Bill for reversing the two Judgments of the king's bench against Oates. But the whole case being hereafter recapitulated, we shall [illegible], except the said Recapitulation only.

July [illegible]. Resolved, That leave be given to bring in a Clause to the Bill for settling the Revenue, to repeal the Act which settles the Revenue upon the late king for life.

Report from the Council-Books, relating to the collecting the Customs and Excise.] July [illegible]. Mr. Hampden reported from the committee appointed to examine the Council Books, with respect to the collecting the Excise and Customs, from the death of Ch. 2. "That, with regard to the Customs, the commissioners who appeared at the Custom-House, from that time, were lord Cheney, sir Rd. Temple, sir Nic. Butler, sir John Buckworth, Wm. Dickenson, sir John Worden, sir Dudley North and Tho. Chudleigh. That among other instances, Mr. Francis Miller informed the Committee, That being at the Custom House, about a fortnight after the death of king Ch. 2, and discoursing with the Commissioners, he told them, 'He was not free to pay the Customs, and had his fears of what might come thereof.' To which sir Nicholas Butler replied, 'That it was fears which brought on the last Rebellion.' This was confirmed by one Mr. Cutler.—Mr. Cockram said, That he and others being at the Custom-House with the commissioners, the said commissioners asked, 'What lawyers the merchants had advised with?' And it being replied, 'They had as yet advised with none,' Sir Nicholas Butler rejoined, 'We know what you are: if you are ready to dispute it, we are ready to dispute it.' To which sir John Buckworth added, 'Do not dispute it! It must be paid.'—That as to the Excise they find a printed Proclamation dated Feb. 16, signifying that the Commissioners of the Treasury, viz. lord Godolphin, sir J. Ernley, sir S. Fox, sir Dudley North, and Frederick Hume, had farmed the Excise to sir Peter Apsley, sir Daniel Bathurst, and James Grahme, for 3 years, for the rent of [illegible]*l.* That according to the Opinion of the Judges the said contract was valid in law, notwithstanding the death of the late king; and requiring all commissioners, sub-commissioners, and all other officers, to aid and assist in collecting the said duties during the said term.—That they find by a Commission, dated March 1, Jac. 2. sir Darcy Ashburnham, Francis Parry, Ch. Davenant, John Friend, Felix Calvert, Nath. Horne, and [illegible] Grahme, to be Commissioners and Governors for receipt of the Excise, &c. and that all the said Commissioners had acted as such, &c."—The said Report was ordered to lie on the table, to be considered when the Bill of Indemnity came to be before the house.

Reasons for not agreeing with the Lords' Amendments to the Bill for an additional Duty on Coffee, &c.] Sir John Trevor reported from the committee, the Reasons to be offered at a conference with the lords, for not agreeing with their lordships in their Amendments to the Bill for laying an additional duty on Coffee, Tea and Chocolate: which were in substance as follow. 1. "The commons have always taken it for their undoubted privilege (of which they have ever been tender and jealous), that [illegible] will not now renew a question concerning the [illegible]

[illegible] will therefore be a loss to the king, by putting [illegible] ing to it: and hope your lordships will not re- [illegible]

The two houses had a Conference on the [illegible]

[illegible] *Coffee, &c.*] July 28. The Lords, at a Confe- [illegible] Proviso to the said Bill; which were in substance as follow: "The lords are much surprized at the assertion of the commons, That, [illegible] always been their undoubted right in such case, [illegible] Proviso, their lordships are of opinion this ge- [illegible] the duty laid upon those commodities; for a [illegible] to lessen the rates imposed upon them; it does [illegible] the two houses; for that they were [illegible]

[illegible] it passed in the negative, and Reasons to be offered at a free Conference were directed to [illegible]

Aug. 31. The lords desired a free Conference [illegible]

[illegible] insist upon their Amendment; and that they [illegible] ther the lords would admit of any farther debate touching the said matters; to which the [illegible]

[illegible] licitor General made the Report of the free [illegible] to the Bill for reversing two Judgments given [illegible] Oates, clerk. Which Report is as follows:

"That the Conference was begun by the managers of this house; who did acquaint the [illegible] conference, in order to a good correspondence [illegible] Bill for reversing the Judgments against Oates, not to be the business of a particular man, but [illegible] religion, were concerned in it, as well as the [illegible] the ends which were intended by the com- [illegible]

[illegible] sorts; some relating to the Judgments, and [illegible] asserting it to be the ancient right of the people of England, that they should not be sub- [illegible] ple in that kind ought in any-wise to be [illegible] which the lords had agreed to; they should not [illegible] and been put under a necessity of sending up a Bill for reversing them; since those Declarations will not only be useless, but of perni- [illegible] after, such Judgments as these stand affirmed, [illegible] commons had a particular regard to these [illegible] ration was first made; and must insist upon it, that they are erroneous, cruel, illegal, and of ill example to future ages; which is the cha- [illegible]

[illegible] it could not be denied, that they were illegal; [illegible] for that it is against law. That it seemed no less plain, that the Judgments were cruel, and [illegible] It was surely of ill example for a temporal court to give judgment, 'That a clerk be divested of his canonical habits; and continue so divested during his life.' That it was of ill example, and illegal, that a Judgment of perpetual imprisonment should be given in a case, where there is no express law to warrant it. It was [illegible] man should be exposed upon a pillory, so many times a year, during his life.—That it was ille[illegible] example, that a freeman should be whipped in such a barbarous manner, as, in probability, would determine in death. [illegible] made, which did not concern this man only, or only this offence; but the Judgments pro[illegible] well as temporal; the lords as well as [illegible] prosecuted at common-law for a misdemeanor, it was in the discretion of the court, to [illegible] cruel and ignominious punishments, as will be agreed to be far worse than death itself to any man who has a sense of honour, or shame: so [illegible] with a bare saying, that such practices ought to be prevented for the future: much less to insist upon their additional Clause A; which is so far [illegible] of them: nor does it go so far, as to provide a remedy for the future: for it does only enact, [illegible] be inflicted for the future; which seems rather to refer to the severity of the execution, than [illegible] King's-bench are reversed: and therefore the [illegible]

"As to the lords Amendments, which relate [illegible] It was urged by the [illegible] commons, [illegible] extraordinary a thing, as the making a man [illegible] to be done [illegible] upon the greatest consideration; especially in such a case as this, where the honour of par[illegible] stood a good witness: and though his testimony [illegible] did deserve to be considered, if the declaring [illegible] parliament, would not be interpreted a great [illegible] sen: it was therefore fit to have it plainly known, whether that was intended; and to [illegible] (which is confessed in this case), the whole record is to be annulled: and therefore, to let [illegible] conviction (which is in effect done by the [illegible] thing; is plainly to pass a new censure upon [illegible] the whole parliament: which the commons [illegible] in the legislative way, and therefore there is [illegible] Courts of Justice; yet, when the commons reflect how they came to be driven to use this [illegible] is just to take from the party an advantage [illegible] The perjuries assigned against Oates were not [illegible] circumstance of time; in which there might be [illegible] gude of wilful perjury; and that a colourable [illegible] a point of time; especially when the thing [illegible] new discoveries; but the very same things [illegible] before, what matters were [illegible] witnesses were examined against Oates: and [illegible] tion of the judges and the juries.—So that, after [illegible] upright, his testimony unshaken, till a Papist was upon the throne; till irregular sheriffs were made; till new Freeholders Books, consisting only of persons fit to serve the present turn, were formed; till Graham and Burton [illegible] mystery of managing Juries; till neithe [illegible] Oates; till those times were come, when ([illegible] their Declaration of the 13th of February) partial, corrupt, and unqualified persons were [illegible] character of the times; and were visible in every thing that moved towards the attaining [illegible] Verdicts corrupt, though no direct giving of [illegible] proved: for if nothing else but a direct proof of money given, make a corrupt verdict, it [illegible] corrupt verdict was given: nay, it is possible a jury may have taken money; and yet give a [illegible] jury, let either malice or affection be the motive, makes the verdict corrupt: if the juror do [illegible] good cause of challenge: so nice is the law in [illegible] commons, who were appointed to inquire into [illegible] Oates, That so great a price was set on the [illegible] and instructing witnesses to swear against [illegible] fully examined before; that, under colour of [illegible] money were given to witnesses; that, to make [illegible] they were called); and where Burton and [illegible]

[illegible] given particular testimony: besides (as Jesuits) [illegible] allow them to instruct their novices, that an [illegible] was expended about convicting Oates: which [illegible] a sum to be fairly spent, upon occasion of two [illegible] matters might arise between the former trials, and those for the perjuries (which was a thing [illegible] the fact; and on the other [illegible] upon the credit of the same witnesses: so that [illegible] the last conference, 'That the corruption [illegible] said, That was not the fault of the commons; [illegible] That there was a respect to be had to legal proceedings; but then that respect ought to be [illegible] in the several trials in king Charles's reign, did [illegible] amination of the very same facts in king James's time: especially when the former [illegible] successive parliaments: besides, it was scarce [illegible] of giving such an extravagant judgment, could [illegible] clear his innocence, though that was said to be the end for which it was intended: for if the [illegible]

[illegible] which he was convicted: and were it supposed [illegible] the whole matter, and could find out a means of doing it; yet, if the lords Proviso was agreed to, Oates could have no manner of advantage, though his innocency were fully cleared, by [illegible] still remain an infamous person, unless a new law were made to restore him: and how far it is consistent with the rules of justice, to leave a man in such circumstances, seemed very easy to determine; especially since, by pursuing the [illegible] in their judicial capacity, Oates may be again [illegible] will stand or fall: and that is the only regular [illegible]

[illegible] relation to the Verdicts, was,

"That, if it were proved to them, that the Verdicts were corrupt, it would incline them [illegible] houses: if that was not made out, the lords did [illegible] Clause B: that the only proper time for the [illegible] mons had agreed to that Clause: for the lords [illegible] between the time of the former trials, and the [illegible] thods of corruption than by money; but that [illegible] were men of great consideration in London, some of the first form of merchants; and to dispute their Verdicts was, in effect, to attaint them: that few men but would have been pleased to have had such a jury in a case of [illegible] the return of the jury; or, that they were nominated by a club. That there was no incom[illegible] sworn against all the jesuits. That the treat[illegible] dalous; but there was no proof of that before [illegible]

[illegible] for a court of record to receive.—That they did not think it sufficient evidence, that Gra[illegible] legally, judicially, and honestly, give their vote upon the question.—That it was a matter of [illegible] his life and estate, if it were taken for granted, that, because a man had, at a trial, passed for [illegible] afterwards for perjury: that a man accused was then in a very unfortunate condition; for the grand jury was to keep the king's secrets: the prisoner, in such a case, was for the most [illegible] sworn; so that he could not be ready for his defence for the present: and if the witnesses might not afterwards be prosecuted for perjury, [illegible] was material: and that a person accused of [illegible] make his innocence appear; since there was [illegible] assigned to Oates: and that witnesses were [illegible] a Verdict but by act of parliament: and, be[illegible] the Verdicts; and shew, that they had unques[illegible] sand pounds were expended.—That they look[illegible] other person to accuse; and yet, after, had [illegible] first might come in with a fair intention, and for discovery of the truth; but that, appearing [illegible] terrify him, or create too great a confidence: [illegible] made him fancy himself to have a right of [illegible] that his brain seemed to be turned; and that [illegible]

[illegible] was a matter of great expectation: that the eyes of all Europe were upon it: and that it would be the occasion of great censures, if he should be set up for a witness again, without a full examination of the whole affair; especially in the case of a conviction for perjury; which had some- [illegible] for every one had a particular concern to be [illegible] though, perhaps, a judgment that was erro- [illegible] Judgments; and the amendments relating to the [illegible] lords, that there was a latitude left to the court in Judgments, in case of perjury; which was one thing that moved them to affirm the Judgments; but that they had never done it, had it [illegible] away.—That, when the case came to be de- [illegible] judgments erroneous, and was fully satisfied, that such an extravagant judgment ought not to have been given, or a punishment so exorbitant inflicted upon an English subject: but, [illegible] tmeutly, and several other instances; rather than leave so ill a man as Oates capable of being a witness, they, in that streight, chose to [illegible] thought fit, that a bill should be brought in to the house of peers, to prevent the inconve- [illegible] ments, rather than the Verdicts should be set [illegible] they would recede now, and set up Oates for a witness again, without unquestionable proof of corruption in the jury. That the principal [illegible] Verdicts: 2. That their proviso against Oates's being received for a witness, do pass: 3. That [illegible] the house of peers, as that they should, in ex- [illegible]

[illegible] by way of Reply, gave a summary Account of the whole [illegible] evidence, and discredit the witnesses, particu- [illegible] by the managers, "That there were prece- [illegible] Judgments as these, the lords had, in a manner, [illegible] bitrary power, in the lords judicature, is a new discovery; and, if it had been understood in former times, would have been a very expe- [illegible] occasions.—The lords, as a court of judica- [illegible] a writ of error, according to law, as any inferior court whatsoever: They must not proceed upon considerations of convenience; but [illegible] not according to law, but according to an opi- [illegible] the party; and that also, without any judicial examination: instead of correcting the acknowledged errors of the judgments in the King's-bench, they affirm them; and so change [illegible] steady rule of government, into the arbitrary [illegible] set that matter right: if this bill be lost, the lords have settled it for law, that every subject may be used in this ignominious and barbarous [illegible] it: the grievance is, that the whole kingdom, [illegible] will take this opportunity of redeeming this er- [illegible] the commons; and not expect, because they have given a wrong judgment, that therefore [illegible] act of parliament: for their lordships clause [illegible] shall not be inflicted for the future.—That it was of great importance to the kingdom to [illegible] and to very different cases; as in that of Mr. Johnson: it was thought (with reason enough, [illegible] fit them for slavery, worse than death itself; [illegible] 'That no nation is less fearful of death, or [illegible] this effect:

"That the lords, by insisting not to agree [illegible] ney, to be paid directly to hire the jurors to [illegible] the several methods of proceedings in the [illegible] courts, where [illegible] they proceed according to a supposed convenience. In their legislative capacity, where there is a latitude of proceeding according to a more certainty and convenience, a single expression, 'of a corrupt verdict,' though inserted upon such just grounds, will not be allowed; unless a precise proof be made in the strictest forms of courts. If Oates's brain was turned, as was said by the lords, the more wrong was done, by convicting him for perjury; which a madman cannot be guilty of: and, after such cruel usage (which would make a wiser man mad) it may with more reason be believed his brain is turned; and then there is little danger of his being used in evidence for the future. That it was [illegible] Newgate on Wednesday; and from thence to Tyburn on Friday following: which could be intended no otherwise, but in the nature of a rack; that, by the smart of the first sufferings, and the approaching terror of the next, he might be brought to make such a recantation as was desired: and it is hard to think, that any thing, but a full [illegible] true, could support a man under such torture. If Oates had been guilty of perjury about the [illegible] did not relate to the present case: he is liable to be indicted, and punished for it, whatsoever [illegible] the commons did not argue, That, because a man had been once believed at a trial, he was not to be prosecuted for perjury after: but they observed, that the very [illegible] Oates [illegible] in former [illegible], and proved by the same witnesses; and yet the juries gave credit to them [illegible] way of reasoning, to suppose Oates to be perjured in those points, was to attaint those former juries; and the lords ought to be as careful of charging such a guilt upon one jury, as [illegible] did not think it reasonable it should be required of them to concur to support any part of this erroneous record. It is the right of the subject, that all that is done before or after an illegal [illegible] and though, in proceedings in the legislative way, the commons are sensible they are not tied up to forms, yet they are certainly bound to the rules of natural justice, and are not to deprive the subject of his legal advantage."

The managers of the commons [illegible] the conference, by stating the case, in short, to the lords: "A writ of error is brought in the house of peers: the lords do all avow the judgments to be erroneous; yet, as judges, do, for [illegible] power to affirm it. The nature of the Judgment being such, as that every subject was concerned in the highest degree, that so dangerous a precedent [illegible], the commons [illegible] themselves under a necessity of sending a bill to the lords to set the matter right, by reversing the Judgment. The lords [illegible] this bill but upon terms: 1. That part of the record must stand: 2. That there must be no notice taken of the Judgments of affirmation given by the peers: As these are the terms now stood upon, so in any other like case they might impose what other terms and conditions they had a mind to. The consequence must be, that the lords, as judges, [illegible] think fit to be law; and the matter shall never be set right in the legislative way, but upon such conditions as the lords shall be pleased to impose: and how far this concerned the king, and the commons, as to their right in the legislature, was [illegible]."

A debate arising in the commons, touching the said Amendments proposed by the lords to the said Bill, and the question being put thereupon severally, That the house do agree with the lords in the said Amendments; it passed in the negative.

Ordered, "That the committee who managed the above Conference do inspect the Journals of both houses, and examine, whether there be any precedents of free Conferences [illegible], and yet there hath not been [illegible] liberty of debate of the matters for which such free Conferences have been desired."

Protest thereon.] These lords following entered their Dissents to the question of adhering to the Amendments, for the Reasons ensuing:

1. "Because the persons who gave Evidence against Titus Oates were incompetent witnesses. 2. Because Titus Oates's Evidence [illegible] been verified upon those very points in which the perjury is assigned. 3. Because it was at a time when neither council nor witnesses could, with safety, appear for Titus Oates. 4. Because it was at a time when the whole course of the administration of the government was corrupted. 5. Because a vast sum of money, on that trial, and other foul practices, were used both with the witnesses and jurors. 6. Because it makes it almost impossible to prove that a Verdict is corrupt, if nothing but the [illegible] may pass as evidence; whereas the law has declared, that many other things may make a verdict corrupt. 7. Because this gives the jury preference in point of justice above four successive parliaments. 8. Because it casts an imputation on the verity of the Popish Plot, and on the justice of the nation, [illegible] so long as the Judgment against Oates stands in force. 9. Because it is expressly against the Declaration of our Rights on the 13th of February last. 10. Because it is the greatest blow that ever the English liberties received; and puts them under a greater disadvantage [illegible] 11. Though a Bill should be brought in to declare the like Judgment shall not be given in time to come, yet it would imply, that before, such Judgment was lawful; which may be of [illegible] consequence. 12. Because [illegible]

[illegible] to adhere to it. 15. Because, at Oates's Trial, the court refused to grant a Habeas Corpus for [illegible]

(Signed,) Bolton, Herbert, Monmouth, Bolingbroke, Radnor, Stamford, Granville, Montagu, [illegible] Cornwallis, Rivers, Vaughan, J. Lovelace, Bath, Culpeper, Macclesfield, Oxford."

[illegible] the Bill for setting the Revenue, for granting [illegible] bate should be adjourned, till the Revenue [illegible]

[illegible] move that a Bill may be brought in for settling a particular Fund, for satisfying the 600,000*l.* [illegible] Expedition to England; and also for 60,000*l.* [illegible]

Aug. 12. The Committee upon the Irish Affairs delivered in their report; the principal [illegible] ndy, governor of London-Derry;

Resolved, That an humble Address be pre- [illegible]

Reasons to be offered at a Conference with the Lords for settling the Order of Conferences, [illegible] the lords at a Conference with the lords for [illegible] the two houses, upon Conferences, and free [illegible] General, and were, in substance, as follow: "The commons have desired this Conference, on occasion of your lordships Message to [illegible] have commanded us to open it with a brief of [illegible] for life; to be whipt from Aldgate to Newgate [illegible] ject, the commons thought themselves under a necessity of sending up a Bill to your lordships to have them reversed; in which bill they are called erroneous, 'illegal, cruel, and of evil [illegible] had agreed to the Bill with amendments. By these Amendments the words 'illegal, cruel, [illegible] out; and a Clause is added, that such exces- [illegible] future. The words relating to the annulling [illegible] error, are likewise left out; and a Clause is [illegible] was convicted be heard, and determined in parliament, he should not be received as a witness [illegible] mons, a free Conference was desired and obtained, in which your lordships owned that the [illegible] erroneous, extravagant, and the punishment so [illegible] English subject, and also that you would not [illegible] not illegal: but yet your lordships did declare, that, upon the writs of error, you had chosen to affirm the judgment, rather than Oates should be restored to his testimony; which must have [illegible] was yielded at the free Conference. 2. Your lordships proceeding to adhere upon the first [illegible] lar; at least, contrary to the ordinary course of proceedings between the two houses: especially, if such adhering should be looked upon [illegible] free Conferences or more, before either house [illegible] parliament, so it is suitable to the nature of things, that there should be no adhering before [illegible] that time, each house is not fully possessed of the Reasons upon which the other does pro- [illegible] plies: wherefore, to adhere sooner, is to ex- [illegible] 'The Additional Poll-Bill,' having been lost, [illegible] ence. 'The Bill of Rights,' likewise, in which [illegible] of adhering, is in danger to be lost: and no [illegible] writ of error, your lordships are as much [illegible] according to the strict rules of law, as any inferior court whatever, and ought not to enter into the consideration of persons, or collateral [illegible] a discretional power, to affirm a Judgment, though at the same time, you agree it is erroneous, is to assume a power to make law, instead of judging according to the rules of law.—That, when the commons send up a Bill to your lordships, in order to prevent the mischiefs of such destructive precedents, for your lordships to refuse to reverse those Judgments, though confessed to be erroneous, (unless upon such terms as you are pleased to impose, and to which the commons cannot, in reason, [illegible] to the honour of your noble ancestors, That [illegible] and the commons hope, you will pursue their steps, and not, by affirming erroneous Judgments, [illegible] terms, before you will reverse those Judgments in the legislative way, take to yourselves in effect the whole power of the legislature; which is not only to change the law, but to subvert the constitution of the government; if your lordships should persist in such a way of proceeding, and the commons should acquiesce in [illegible] ships will not persist in this unusual way of adhering, which manifestly tends to the interruption of a good correspondence between the two houses at this time of [illegible] necessity for the establishing the government, and for the peace and safety of the kingdom."*

Petition against Colonel Copley.] [illegible] day, [illegible] Kingston upon Hull, exhibited a Petition to the house, complaining that colonel Copley, lieut. governor of Hull, had divers times taken into his possession the post-man coming to the said town, and opened of the Letters at his pleasure, to the great prejudice of the traders, &c. of the said town, and the gentry in the neighbourhood. That he having [illegible] him to cause the mails to be brought directly [illegible] mail for the future; Notwithstanding which, the said colonel behaved as before, and sent for the petitioner [illegible] ing it, on account of indisposition; the said Copley ordered a serjeant, and four musqueteers to bring him, tied neck and heels, which [illegible] cannot have his remedy against the said Copley, by a due course of law, praying the house to take his case into consideration, &c.

Ordered, [illegible]

[illegible] his allegations,

Resolved, "That the seizing the Mail, and [illegible] officer or soldier, is a violation of the right of [illegible] ters directed to, or sent from a member, is a Breach of Privilege. That the imprisoning, or [illegible] soldier, upon any of the subjects of this kingdom, not being in actual military service, and in pay, is a violation of the rights of the people. [illegible]"

Another Petition was presented against the said Copley, for exacting a farthing a tun, from every ship entering the port of Hull; upon [illegible] house; and alledging the said farthing a tun was his perquisite, as lieut. governor, for the maintenance of a certain Chain;

Resolved, "That the levying a farthing a tun, or any sum of money on Ships coming into the port of Hull, upon pretence of maintaining a Chain there, is an illegal exaction upon the people." [illegible] the said pretended [illegible]

A tumultuous Petition of the Silk-Weavers, occasioned by a Woollen Bill.] This day the commons having sent up a Bill to the lords, for the enjoining the wearing the Woollen Manufacture of England at [illegible] of the companies of Silk-Weavers of London and Canterbury, presented a Petition to their lordships in a tumultuous manner, praying [illegible] into a law. Whereupon the house ordered [illegible]

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* "Upon the whole matter Oates, by the dint of the struggle, made a shift to obtain, 1. An Address from the parliament to the king, requiring that his majesty would be graciously pleased to grant him his pardon, 2. The king's pardon [illegible] 3. A pension of 5l. a week in lieu of the [illegible] he had been deprived of, and which he had now again applied for, and expected to be restored to." Ralph.

[illegible] neither they, nor others, people of this nation, [illegible] the eruption of this unruly multitude, which [illegible] to the civil powers; and ordered the governor [illegible] lawful concourse of people in the hamlets of [illegible] have a sufficient number of the Trained Bands [illegible] Westminster [illegible] preparations remained quiet in their houses. [illegible] yard, Westminster. However, upon the se- [illegible] Manufacture [illegible] ships unanimously rejected the same.

[illegible] the commons having past the Bill, 'for attainting several persons in Rebellion against their majesties,' and sent it up to the lords for their concurrence, the committee whom their lordships appointed to examine the same [illegible], 'That the commons might be desired by a Conference to give a List to the lords of the [illegible] give evidence [illegible] against the several persons designed in the Bill to be attainted; that the lords might be fully satisfied by evidence, *vivâ voce*, to attaint the [illegible] ful of hearing all the evidence the commons [illegible] motion, a Conference was desired and managed betwixt both houses, at which the commons gave a list of the witnesses that deposed at their bar, against the persons mentioned in the Bill of Attainder. These witnesses were W. Watts, Matthew Gun, Basil Purefoy, and W. Dalton; whose Evidence not satisfying the [illegible] two Messages to give expedition to it, the [illegible] sufficient evidence against them.—The proro- [illegible] after, put a final stop to this Bill.

[illegible]

[illegible] [*journment.*] Aug. 20. The Bills being ready [illegible] disposal, at a time when they had a war de- [illegible] French king, merely to divert them: they do here humbly present your majesty with a Bill for the appropriating certain Duties of Excise [illegible] jesty for the satisfaction of the Charges which have been expended by the States in this Ex- [illegible] the most illustrious prince of Orange, your ma- [illegible] two nations are; and since it was the fatal policy of those that laboured our destructions to endeavour to divide us; it ought to be the endeavour of all true lovers of their countries to keep us firmly united, in order to our preserva- [illegible] of the great Arrears that were left due by king Charles 2nd to his Servants; and have therefore made a provision of 60,000*l.* for them, [illegible] portions as your majesty, in your princely wis- [illegible] suitors to your majesty for a recess, that there- [illegible] into their several counties, and promoting your majesty's service there; and what remains undone at present, for want of time to dispatch, [illegible]

[illegible] seal signified, That it was his majesty's pleasure [illegible] selves till Sept. 20th; but that his majesty did not intend there should then be a Session, unless some emergency of affairs happened: and that, whenever a session was to be, his majesty [illegible] the following Speech* to both houses:

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* It is remarkable, says Oldmixon, that this [illegible]

"My lords and gentlemen; Though the last [illegible] so soon; yet the interest of the public lays an [illegible] tion, as well as confidence in me, that I do not [illegible] proofs of both. I esteem it one of the greatest [illegible] beginning of my reign, I am forced to ask such large Supplies; though I have this satisfaction, [illegible] God upon an undertaking, wherein I did not [illegible] discovered their designs of destroying our reli[illegible] I have exposed myself to rescue this nation [illegible] of the greatest supports, and for the Defence whereof I am ready again to venture my life.—My Lords and Gentlemen; That which I have [illegible] delay: and there is one reason, which more particularly obliges me to press you to a speedy determination in this matter, because this next month there is appointed, at the Hague, a General Meeting, of all the Princes and States concerned in this war against France, in order to [illegible] And till I know your intentions, I shall not [illegible] assistance. Besides, if I know not in time what you will do, I cannot make such provi[illegible] to the same inconveniences, which were the [illegible] sary: the Charge will also be considerably lessened, by giving time to provide things in [illegible] I have no other aim in this, but to be in a condition to attack our enemies in so vigorous a manner, as by the help of God, in a little time may bring us to a lasting and honourable [illegible] than in contributing to their ease, I hope I [illegible] which you have already given, I have directed [illegible] Gentlemen; I have one thing more to recommend to you, which is, the dispatch of a Bill of Indemnity; that the minds of my good subjects [illegible] the welfare and [illegible]"

Resolved, [illegible] house be returned to his majesty, for his gracious Speech *.

[illegible]

[illegible] time he was pleased to say, 'I know most of [illegible] in view; to prevent which, I have thought fit to write it myself in French, because I am not so great a master of the English tongue: therefore I desire you to look it over, and change [illegible], that it may be transmitted into [illegible]

* "The Speech, we are assured, was re[illegible] lords, no objection was started; and among [illegible] it a matter of complaint, that the words, '[illegible] bills depending; which might be again prosecuted at pleasure: but a Prorogation cancelled all, and laid the malignants under a necessity to begin their webs again. A prorogation was therefore resolved upon; and yet such was the caution of his majesty at this crisis, that he would not exercise that branch of his prerogative, without the concurrence of both [illegible] to his own: but among the commons there was a party who asserted, that such a prorogation was altogether irregular, after his majesty [illegible] able enough to conclude, that if a prorogation [illegible] mind: and thus, fortified with the approbation [illegible] 21st put a stop to the current of public busi[illegible] the session anew with a short reference to his [illegible]" Ralph.

[illegible] same.

Oct. 21. [illegible] message, by the lord chief baron Atkins, Speaker of the house [illegible]

SECOND SESSION OF THE CONVENTION PARLIAMENT.

Oct. 23. Both houses assembled again, [illegible] the throne, "That, having spoke so lately to them, he need not say any thing now; matters not having been altered from what was [illegible]"

Oct. 24. The house resolved, nem. con. That they would stand by, and assist his majesty [illegible] Ireland, and [illegible] allies abroad, in a vigorous prosecution of a War [illegible] be pleased to direct, that a State of the War for the ensuing year may be laid before the house.

Proceedings against Burton, Graham, and sir Tho. Jenner.] Oct. 25. The Misdemeanors [illegible] session (see p. 278.) At the same time was reported, likewise, the case of sir Thomas Jenner [illegible] Dispensing Power, for being a commissioner [illegible] as one of the visitors of Magdalen college in Oxford [illegible] afterwards joining in a decree to make them for [illegible] temporal: all which, it was said, involved the said sir Tho. Jenner in the subversion of the [illegible] king's-bench, by virtue of the Habeas Corpus [illegible] and Burton, be immediately brought to the [illegible] mitted; but not giving satisfaction, a Committee was appointed to prepare a Charge [illegible]

The Earls of Salisbury and Peterborough impeached, &c.] Oct. 26. Ordered, That the [illegible] Treason be sent to the lords against the earls [illegible] the earl of Peterborough to the Tower the [illegible] Walker and sir Edward were ordered to the [illegible] Treason and other high crimes and misdemeanors [illegible] might have the liberty of the Tower, and of [illegible] others; a debate arose, (the earl being first [illegible] ment of a committee to bring in a Bill for the [illegible] dered to prosecute Mr. Richardson the keeper of Newgate [illegible]

[illegible] Nov. 1. [illegible] command, a State of the War for the ensuing year, viz. For the English forces in England. For the Dutch forces in England. For the [illegible] in Ireland.—Sir Thomas Lee presented the State of the Navy for the ensuing year; and sir Henry Goodrick, a State of the Ordnance. [illegible] That a committee be appointed to inspect the [illegible] make their report to the house.

Resolved, nem. con. That a Committee be [illegible] Miscarriages in the victualling of the navy; the [illegible]

[illegible]

War.

Sir *Edw. Seymour.* I speak to method, which is [illegible]

[illegible] foot. The loss of 10,000 of ours there may have strange effects.

[illegible]

[illegible] land. The English arms are all lost; and now [illegible]

Sir *Tho. Clarges.* I am not of capacity to [illegible] I would have his majesty moved to declare the [illegible]

Major *Wildman.* I would remove a mistake; [illegible] dom. I have heard a doctrine preached here, 'Take care we be not principals in the war against France;' but against king James we are principals in that war to defend us from popery and slavery. It has been the doctrine of this house many years, that France is in the bottom of all slavery, and that was to be brought upon us. We are in a worse condition than the confederates, and have need of all the confederates against king James and France. [illegible] land from us, with all offers of trade, if they would [illegible] prince of Orange; and they may still make peace. I believe nobody here is inclined to treat with king James. We must have war upon us, and if we are wanting to ourselves, and give the least discouragement to the confederates, they may leave us to ourselves to [illegible] have been brought to truckle under France, [illegible] Dutch. I remember the time when the French durst not build a ship without giving an account of it. I move that you would supply the king [illegible]

Mr. *Garroway.* I do not agree with him for so great a supply. I do not think to lay a foundation for such a war as that the king of France should not build a ship without our knowledge. I believe, if it were not that the [illegible] above a year longer. Therefore say you will grant a Supply to carry on the war, and I am for it; but 'that the French king has 40 or 50,000 men in Germany,' I have heard it, but I believe nobody ever saw it. That the [illegible] suffer Bonn and Mentz to be taken! And possi- [illegible] could do. I am free to make a provision for a good force. I care not what it costs us, but I [illegible]

away your understandings; therefore I move, [illegible] Ireland.'

Sir *John Guise.* You have been told of the former reducing of Ireland. The Forfeitures were taken of Papists estates, and at three years value raised 320,000*l.* I move that you will [illegible]

Sir *John Trevor.* The question is, Whether [illegible] lump of Money for Ireland? I am for men, and if you appropriate not the money, it may be [illegible] not for Ireland, and neither done at last. I do [illegible] Answer to your Address. If you compute for 36,000 men, I would venture to give for 50,000. I am sure it is more proper for the king. We are not a council of war, but representatives of the people, to assist him. We are but to supply, according to the numbers of men; the king cannot else carry on the war vigorously. [illegible] move, 'That the king may send us the State of the War.'

Sir *Henry Capel.* [illegible] attended the king about the Admiralty and the Army, and the state of both is delivered to the house, as approved of by the king.

Sir *John Trevor.* Capel goes a great way, but those who gave in that State of War to the [illegible]

Sir *George Treby.* There is a necessity that Ireland should be reduced: I have no share of it when it is reduced, but I would have it reduced. I am not so vain as to say that France should be reduced, but I would suppress so great a neighbour. Our consideration is for carrying on the war, but most discourses seem to depart from that rather than to pursue it. But I hear spoken of, our being delivered from a Standing Army; we had a standing army, [illegible] bemarle (general Monk.) But there is an ab- [illegible] be annoyed at home, when you are defending your outworks. I hope those who are not for [illegible] amongst French and Irish. It is said, 'There [illegible] which no man is a greater enemy than myself. [illegible] money; for what we paid to beat our enemies [illegible] court. I agree if we look to the well-management of the Money, it gives double; and not- [illegible] There is a meeting of the Confederates at the Hague the next month, [see the King's Speech,] [illegible] will take his measures accordingly; and till you d[illegible] possible for him to take his measures. It is said, '[illegible] sufficient to preserve [illegible] Votes' of parliament, [illegible] Acts.' [illegible] and [illegible] them Money. De[illegible] France: you will not entertain him, and he casts himself into the French king's arms. We look upon them (as in great part) naturalized to our interest. We were grieved with popery; where was the back? It was France gave [illegible] 'actual war,' that we had given money for, it proved an actual peace, and we were choused of it. France heretofore was but an inland province, and now is great at sea. It is well to [illegible] provided, that we [illegible] we must [illegible]. What is wanting to this state of war? You would have some Estimate of the war; you h[illegible] for Accounts, or this day's work [illegible] estimates [illegible] given as a State of the War; should you have more, [illegible] to give Money. Now, having this before you, it is enough to [illegible] to guide your vote.

Mr. *Garroway.* Two millions will not do the Charge [illegible] horse and foot; but if you be pleased that it [illegible] the Revenue [illegible] business, and I believe you will be supplied [illegible]

Resolved, "That, for the reducing of Ireland, and joining, this ensuing year, with their majesties allies abroad, in a vigorous prosecution of the War against France both by sea and land, a Supply be given to their majesties, not exceeding the sum of two [illegible], to be added to the public Revenue."—Which was agreed to by the house nem. con.

D[illegible] R[illegible]'s] No[illegible] An [illegible] Rights of the Subject, was [illegible]

Sir *Edw. Seymour.* I find in the latter Clause of the Bill a power in the king of dispensing &c. [illegible] the rest [illegible] I [illegible] part with the Money-bill till this be perfected; let it lie [illegible]

Sir *Edw. Hussey.* There is a Clause in the Bill, that I do not understand; 'That no Papist [illegible] succeed to the crown, none of the [illegible] put by. If a Protestant be a reputed Papist, he shall be put by.' Charles 1 was thought a Papist: Charles 2 by many was reckoned popishly affected; and I fear, as there was Spanish gold stirring in court and parliament, in James 1's time, why [illegible] happen again? [illegible] Test to the king to distinguish him from a Papist; must the muzzle be set upon the king when the council please? This may prevent a Lutheran from [illegible] the crown because he comes not up to all the points of our religion. I fear, it may be like the Bill of Oaths, when the [illegible] is a clause in the Bill, 'That the king shall not suspend laws, &c.' What if a murder be committed and a man wrongfully condemned shall he be [illegible] the king's power to pardon? I stand not up to oppose the Bill, but I would have it explained and moderated [illegible]

[*D[illegible] General Ludlow's [illegible] to England*] Sir *Joseph Tredenham.* I hear that major-general Ludlow * is come into England, and is in town, and that [illegible] accomplices do comfort, aid, and abet him. By act of parliament he is attainted, and is a de[illegible] end do we raise taxes upon the people, but to support the government? [illegible] protected, but to bring us into the [illegible] anarchy as formerly? Now we are setting things in order, they are contriving to [illegible] us victims to their passions. I am for the public security, and it is to that end I stand up. I would address the king to issue out his royal proclamation, to command him out of the nation.

Sir *John Guise.* I offer it to your consideration, whether any body will make it appear [illegible]

Marquis of *Winchester.* I think it well moved. The gentleman at the bar tells you, [illegible] necessary the gentleman should give you Information. I know nothing of the person. My family, I am sure, has suffered in king Charles 1's time † [illegible] speak nothing [illegible] your justice.

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* "Ludlow had been a ringleader of the Republican party in the Civil Wars, had distinguished himself in the battles of Edge-hill, Newbury, &c. and he was [illegible] Charles 1's Judges. He served afterwards under [illegible] as lieutenant general of [illegible] in Ireland, and had a great share in the reduction of that kingdom. After the Restoration he [illegible] to France, and [illegible] to [illegible] years. He afterwards removed to Vevay, where, in spite of [illegible] that were made to assassinate him [illegible] king Charles 2, but lived to see the ruin of king James 2, by the Revolution, in which he earnestly desired to have been assistant, and left his retreat at Vevay and came to England, in order to ex[illegible] old-age in that cause; having some expecta[illegible] 'abdicated king.' And [illegible] to appear openly in London, &c. Biograph. Britann.

† His grandfather John marquis of Winchester, made a garrison for king Charles 1, of

Mr. *Hawles.* I do not see how Ludlow [illegible] ward.

Mr. *Coningsby.* I think it the strangest thing that ever was heard of a parliament [illegible] the king, as is moved.

Col. *Birch.* I am in a new perriwig, and [illegible] a parliament, is a horrid thing, if it be so. I [illegible]

Resolved, "That an humble Address be [illegible] issue out a Proclamation for the apprehending [illegible] of king Charles 1: And that he will please to propose a reward to such as shall apprehend [illegible]

[illegible] Col. *Tipping.* The late chancellor [illegible] of Edw. 6. Innocent blood be sought for, [illegible] and condemned; as Mrs. Lisle, for harbouring a traitor knowing him to be such, and he knew [illegible] the price of your blood. I move, That you [illegible]

Mr. *Coningsby.* It is all one, for a man in a gown, or a man with a sword, to ruin your laws. I would reduce him to that state he was in before he did these villainies.

Resolved, nem. con. That a Bill be brought [illegible] of George late lord Jeffreys,† baron of Wem, [illegible]

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his fine seat at Basing, which endured a two [illegible] to the ground by the enemy, having found in it of money, jewels, &c. to the amount of [illegible]

† This Address being presented the next [illegible] "That the Address was [illegible] would order a proclamation to be issued out immediately for that purpose." See the Journal.

"But Ludlow, as soon as he was informed [illegible] whence, after waiting near a fortnight for a [illegible] continued till his death, which happened in the year 1693, and in the 73d of his age. His [illegible] his having a grant of the general's forfeited [illegible]

* "Her husband had been a regicide, and was [illegible] defeat, in 1685, Hicks, a violent preacher [illegible] civility, not asking from whence they came. But [illegible] ately, and ordered her chief servant to send an [illegible] could be done, a party came about the house [illegible] them. Jeffreys resolved to make a sacrifice of her, and obtained of the king a promise that he would not pardon her; so she was brought [illegible] she knew that they were rebels; the names of the persons found in her house were in no proclamation; so that there was no notice given [illegible] jury, upon his honour, that the persons had [illegible] Monmouth. This was the turning a witness a[illegible] sisted on as a point of law, that, till the persons [illegible] not be found guilty, yet Jeffreys charged the jury in a most violent manner to bring her in guilty: all the audience was strangely affected with so unusual a behaviour in a judge; only [illegible] who was then past 70, was so little moved at it, that she fell asleep. The jury brought her in 'not guilty,' but the judge, in great fury, sent them out again; yet they brought her in a second time, 'not guilty.' Then he seemed as in a transport of rage, and upon that, threat[illegible] overcome with fear, brought her in the third time 'guilty.' The king would show no other [illegible] stancy of mind, and expressed a joy that she [illegible]" Burnet.

† "Jeffreys died on the 18th of April 1689 in [illegible]

late lord chancellor of England: and it is recommended to colonel Tipping to take care of it.

Debate on the Supply.] Nov. 7. The house went into a grand committee on the Supply.

Sir *Edw. Seymour.* The question is, Whether persons liable to the 500*l.* Forfeiture shall be charged towards the raising the Money that you have agreed? I suppose no man but believes, that, before you raise this sum, there will be a great many hardships somewhere. You will not make price of their folly. You know what attempts have been made against our religion and laws; this penalty is no more than what they are liable to already. Nothing can be of greater consideration of justice than to make this a fund. To pay 100,000*l.* a month, a man may [illegible] to be [illegible]. The prince of Orange's Army, and the other Forces in the West country, have eaten up all the fodder of the last year, and you will have an ill account of that country if a hard winter. I will with chearfulness support the government, but it is reasonable that we pay not the price of other mens follies, while they pay not a farthing to the public charge. As for that law of the Test, the wit of man could not have found out a greater preservative against Popery; and will you let go that [illegible] act of taking offices without the Test, &c.? Have they deserved this? Were they put in for preservers of your liberties? They may pretend to be defenders of your faith too. You are not at the last end of your tether. I think it reasonable that you should raise these 500*l.* Forfeitures to be applied to the public.

Mr. *Hawles.* I am no friend to Popery; and I do not regard whether papist, or fanatic, break your laws: I would have the laws run upon them. But the proper question is, Whether the 500*l.* Forfeiture will yield what you think? If you run upon every man, I am sure you will never raise it, unless as in the Act of Conventicles, he that is, pays for him that is not, responsible. You must make a new law for persons not qualified, and who have got nothing by their offices.

Sir *Tho. Lee.* It may happen, I think, that a Protestant who would make himself grateful to king James, has done more mischief in promoting the Popish interest than Papists. I [illegible] would not so hard upon those [illegible] [illegible] [illegible] who [illegible] little, and cannot speak for themselves; but how will you distinguish it? Those who had no Offices of Profit, and will now take the Test, I would have them excused, but such as refuse now should pay double.

Sir *Edward Seymour.* I do not understand the reason of that distinction of ‘then’ and ‘now.’ The thing they stood upon was not that of conscience [illegible] [illegible] as it was then. Because they carried on the Suspending Power, that has brought us into all this misfortune; I am not for distinction.

Sir *John Thompson.* I wonder the gentleman can remember [illegible] [illegible] [illegible] [illegible] speaks of ‘the Dispensing Power:’ I think they were as great enemies to the [illegible] who acted upon the Prerogative since [illegible] was [illegible] to Dover.

Mr. *Sacheverell.* I cannot agree to deceive the king, by getting nothing by [illegible]. You will put [illegible] them that did it, [illegible] save themselves from ruin. The Papists had another end in it. I do know persons that did come in at that time, that wish as well to the Church of England as any men, who would rather run the penalty than let the Corporation be ruined, and Corporations had been ruined that gave not up their Charters. I can go up to those that made no profit of it, and can freely come in. I mean not, by this, to excuse justices of peace, nor deputy-lieutenants, but poor men in corporations.

Sir *Edward Seymour.* I am sorry Thompson did not go on; but I call to his memory or any man's, to charge me with doing any thing against the interest of the nation, or for any foreign interest.

Sir *William Pulteney.* They were to be prosecuted within six months, who took Commissions without taking the Test, and they have been pardoned [illegible] [illegible].

Mr. *Brewer.* Whoever transgressed against this law must be fools or knaves; therefore put the question as first moved.

Sir *John Guise.* For ought I see, we need not have put it so far as king James. If the prosecution must be within six months, I would willingly see that.

Mr. *Sacheverell.* If you would put it by a sum, let it be by a quantum of value upon the poor men. I do not except men of authority, as justices of the peace, and deputy-lieutenants, but poor men of corporations. I know not one justice not worth 100*l.* per ann. nor deputy-lieutenant. I know no way but to state it by the sum; put it upon men of 100*l.* per ann. or money in value to it.

Mr. *Garroway.* It is a hard matter to word this question, but I would put in ‘privy-counsellors, sheriffs, mayors, deputy-lieutenants, and justices, and all offices of profit.’

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end, by the intemperate use of spirituous liquors. Mr. Tindal adds concerning him, on the credit of sir Joseph Jekyll, late master of the rolls, who had it from the mouth of Dr. Scott himself, ‘That while he (Jeffreys) continued a prisoner, he was visited by Dr. John Scott, the celebrated author of the ‘Christian Life;’ and being urged by him to improve his present situation by a serious review of his past life, he expressed great concern upon the occasion; but with regard to one part of his conduct which had exposed him to most censure, his behaviour in the West after the defeat of the duke of Monmouth, he declared, that how cruel soever his proceedings might be thought, they had by no means come up to the severity which king James expected from him, his majesty being extremely displeased with him on that account.’” Ralph.

Sir John Guise. There is one you will hardly [illegible]

Col. Birch. Do not forget them. I was most afraid of governors of castles, and those in the army; they were most dangerous.

Resolved, 1. "That it is the opinion of this committee, That toward the raising the Supply to be given to their majesties, for reducing of Ireland, and prosecution of the War against France, there be a review of the Poll-Bill: and that the house be moved, that a bill be brought in for that purpose. 2. That, in the same bill, there be a tax of 20*s.* laid upon every shop-keeper, tradesman, and artificer, [illegible] a Tax of 100,000*l.* laid upon the Jews: and that the house be moved, that a bill be brought [illegible]"

Nov. 8. Resolved, That it is the opinion of this committee, That, towards the raising the Supply to be given to their majesties, the [illegible] militia officers, justices of peace of counties and cities, mayors, bailiffs of corporations, sheriffs, [illegible] or Place of Profit, either military or civil, other than such as are now officers in their majesties armies or fleet, contrary to an Act of the 25th Ch. 2. intituled, 'An Act for preventing Dan[illegible] 'sants,' be speedily levied and applied to that purpose: and that a Bill be brought in to that [illegible]—All which was agreed to by the [illegible]

Nov. 9. The house went into a grand committee, on the Supply.

Col. Birch. I have seen an Irish Rebellion before this, in 1640. The Rebellion in Ireland was then quelled out of Irish money and Irish estates. What was then done was by a Bill for Subscription at Guild-hall for so many acres of land on the rebels estates, and other [illegible] raised upon it. When Charles 2. came in, a Committee of Claims was made. But if the estates of those in arms against the king and kingdom were offered to sale, I think they would raise some money. This I submit to [illegible] the government, and it is their interest. Your [illegible]

Sir Tho. Clarges. In 1641 an Act passed for Proposals in such a province, and so much was given for so many acres. I am for a Committee to receive Proposals, before you make an Act; it is too early for that. At that time, in 1641, we were possessed of Dublin, and other places, and I think, if we do any thing, a Committee should view the former Act.

Mr. Howles. I know no estate yet forfeited in Ireland. In Charles 1st's time, they attainted the persons before they forfeited their [illegible] some. I care not which way, so it be done better or worse; therefore say what proportion the land must bear. I propose, that you will raise a certain sum upon the land 1,400,000*l.* by a pound rate, monthly assessment, and debate that.

[illegible] what to do, when you see the duplicates. I be[illegible]

Resolved, "That it is the opinion of this [illegible] appoint a Committee to receive and consider [illegible] present Rebellion in Ireland. 2. That, towards the raising the Supply, &c. a sum not exceeding 1,400,000*l.* be charged upon land. 3. That the sum charged upon land be raised by way of a pound rate. 4. That the said [illegible] &c. as also a farther charge of 2*s.* in the pound upon all such persons as shall refuse to take the Oaths which are appointed instead of the Oaths of Allegiance and Supremacy."—Which [illegible] Nov. 11.

Sir Tho. Clarges. If the English army had [illegible] I move, That some persons of trust may be employed to inspect the Army.

Mr. Garroway. I move to send into Ireland some persons, not upon recommendation, [illegible] I would not have spoken now, but that the [illegible] I know not what they are, nor where. I would have also a true State of the Army in England. I would know what we have to trust to.

Mr. Papillon. I move, That you will en[illegible] taken as prize, and judged by the Commissioners, that it may be sent into Ireland for [illegible]

Sir John Guise. I know not whether the [illegible] ought to have been thrown upon the ground. [illegible]ances to elude your act, but you may, if you please, have benefit by this; perhaps your [illegible] elude your law, but if it be distributed among [illegible] have the benefit of it, and none else, I am [illegible]

Mr. *Garroway.* I desire that some of these gentlemen [illegible] would acquaint you how they came by it, whether by prize from us, or the Dutch? I can give no vote, till I know how they came by it.

Ordered, "That the commissioners of the customs, and the commissioners of the prize-office, do, upon Wednesday next, bring in an Account, [illegible] have been taken as Prizes or [illegible] by the officers of the custom-house; and where they are, and when taken, and by whom."

Mr. *Sacheverell.* I like the motion well, to inspect the Army in Ireland, which, I hear, is so low that I am ashamed to name them. Notwithstanding the accounts of 36,000, I believe [illegible] 14,000 [illegible] for 36,000. I would have nothing wanting of our care, and to take [illegible] persons do theirs, to do what we would all carry on, the reducing of Ireland. As for the Fleet, if we have [illegible] summer, it will be in vain for us to be here. I move, That the king would send such persons to inspect the Army and the Fleet, as he does confide in.

Mr. *Ettrick.* Several of your members are in Ireland, men of quality. I move, that they may [illegible].

[illegible] If you have need of these independent on all commands, I am for it, but I would understand the members there. If no more than common fame represents, you had as good have none.

Sir *John Guise.* I doubt not but it is absolutely necessary for your service to know the numbers of your forces in Ireland, the Army here, and the Fleet. I hope you will have a [illegible] account, as far as relates to Ireland and the fleet, but you have an army in Flanders; [illegible] Mr. H[illegible], and that in Flanders in lord Churchill's, inspection, &c. As for a committee, it is impossible they should give you account, unless some such way be [illegible].

Sir *Tho. Lee.* The debate now stands, that the Army of Ireland is disproportionable to what you pay; it is proposed to see the musters sent up to the king. For the present, the king is a stranger to England; it is a wonder he k[illegible] king's [illegible] tion; by it he may know what otherwise he could not. He must see with other mens eyes. I see no doubt but the king will appoint commissioners; therefore put it off your hands.

Mr. *Smith.* I would have persons inspect the Army, [illegible] in it; they must incur the ill thoughts of the rest, and I think them not safe in their lives [illegible].

Resolved, "That an humble Address be presented to his majesty, [illegible] an Account [illegible] there, and the State and Condition of it."

[illegible] an Address, to summon him by his royal proclamation to render himself, (at such a day as [illegible] should appoint) to [illegible] surrendered himself [illegible] and on the 18th of [illegible] making his appearance before the [illegible] lords, the Speaker told him, That he knew what he had to do before his sitting in that house; [illegible] his lordship desired time to [illegible] the Oaths [illegible] for it: which was readily granted.—The same day the parliament was prorogued, a Packet was [illegible] little the lord Griffin was inclined to own the present government. This [illegible] in the following manner. His lordship having caused a large tin bottle to be made with a double bottom, ordered his cook to go to a pewterer's at an unseasonable hour of the night, to get the false bottom [illegible]; the pewterer finding a Packet between the two bottoms of the bottle, began to suspect something; and the cook not giving him a satisfactory answer about its contents, he [illegible] to open it. The superscription of several letters directed to king James, the duke of Berwick, &c. justified the pewterer's suspicion, who immediately seized the [illegible] and carried him to one of the secretaries of state; but he being gone to bed, and his servants refusing to admit the pewterer to their master's presence, the lord Griffin, who by this time began to apprehend what had befallen his messenger, took this opportunity to make his escape. Besides the Letters, there was found an Account of some private Res[illegible] of the Council, and an exact List of all the land and sea forces of England; whereupon the lord Griffin's house and papers were searched, his lordship committed to the Tower, several suspected persons arrested, and the C[illegible] officers ordered to stop all unknown persons, that offered to cross the seas without passes. Upon which his lordship, having absconded himself [illegible] to go out of the kingdom, surrendered himself to the earl of Shrewsbury, secretary of state, who having examined him, committed him to the custody of a messenger, from whence he was [illegible] mons appointed a committee to enquire how the lord Griffin came to know a Resolution, which the king had communicated to four persons only; and the lords addressed his maj. to let him understand that the said lord being one [illegible] the lord Griffin; and because some few [illegible]

[illegible] closet, having been produced against him, the earl of Rochester argued from a parity of reason, in favour of the lord Griffin; who after several warm debates was set at liberty upon sufficient bail *.

[illegible] Preston [illegible] England, the [illegible] voted [illegible] high-treason; but however, they thought fit [illegible] Judges, their assistants. My lord Preston pre[illegible] before the meeting of the Convocation, which had voted the Throne vacant, it ought therefore to be valid: to which it was answered, [illegible] king James [illegible] government. The next day the Judges brought in the lord Preston guilty of a high misdemeanour, for which [illegible]. Not long after, his lordship acknowledged, and begged pardon for his fault, by a Petition to the lords, which was rejected upon his subscribing himself, viscount Preston, without expressing of what kingdom; the next day he presented [illegible] wherein he stiled himself [illegible] Scotland; and moreover, it being alledged in his behalf, that by accepting a patent from [illegible] to secure his own person [illegible] at that time prosecuted at law by the lord Montagu for a consi[illegible]

Mr. Trenchard and Mr. Hampden sent for [illegible]

[illegible] the following Message to the commons:—"Mr. S[illegible] Message, That a Committee being appointed to exa[illegible] of the Murders of the lord Russel, col. Sidney, sir Tho. Armstrong, Mr. Cornish, and others; [illegible] Writs of Quo Warranto's against Corporations; [illegible] Mr. Serjeant Trenchard, and John Hampden, [illegible] to declare [illegible]"

D[illegible] a precedent that is very new. I never saw any of the like nature before. It lays a hard charge on you, as if your members never mentioned [illegible]

Sir *Tho. Lee.* I think, the thing is quite new, or out of my memory. I would rather [illegible] I cannot agree that it is an original thing (as said) but things of this nature are nice between both [illegible]

Mr. *Boscawen.* There was a member exa[illegible] Essex [illegible] when called upon by the lords; and now it is much more reasonable that you should give [illegible]

Sir *John Trevor.* This is a matter of great importance. I would not deny the lords any thing in which they have a judicial power; if [illegible] you may. Enquire into lord Strafford's Case, and you will find that sir Henry Vane, a member, was examined by the lords*; and some members now in lord Stafford's Case; but it was [illegible] proceeding by Bills of Attainder, there are but [illegible] the king [illegible] privilege; but I would give the lords satisfaction, [illegible]

Sir *Joseph Tredenham.* I would willingly comply with the lords. I hear only of the precedent of the last session; and before you con[illegible]

Sir *John Guise.* I know my own ignorance in methods of parliament; but all desire to [illegible] lay it, refer it to a committee, to see the manner of [illegible] your B[illegible], and we commend it to [illegible]

[illegible] ing the information of the house, that I could [illegible] the committee of the lords meet not till Friday, [illegible]

Sir *Robert Cotton.* I desire to see a full [illegible] named by the lords; and so far I would agree [illegible] as for the other part of the Message, 'That [illegible] be sent for,' there is no instance of precedents; and

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[*] Life of William III. vol. ii. p. 152.

[†] These two gentlemen had been accused [illegible]

[illegible]

[*] See vol. ii. p. 744.

seeing you have none, for the honour of the [illegible] ment, and to answer it to those that shall come after us. I move for a Committee.

Sir *Tho. Littleton.* I would not delay it so long as referring it to a committee. The former [illegible] and is far from claiming a jurisdiction; but, as for the other part, to examine whom they shall see cause, of your members, I am utterly against that jurisdiction.

Mr *H*[illegible] latter part of the Message.

Sir *Tho. Clarges.* I have a great difficulty upon me in this, concerning the lords jurisdiction. By the Statute of Hen. 4, 'There shall [illegible] one another in parliament.' But, admitting the lords had jurisdiction of themselves, [illegible] may tend to the accusation of commoners, it is against the right of the commons; but if they say it is against such a peer, and such, but to [illegible] it is against a commoner, or a peer, I am against it.

Sir *Edw. Seymour.* I came in late, but I collect from the debate, that the lords desire T[illegible] and give evidence of the authors of the murders of lord Russel, &c. the advisers of the Quo Warranto's and Regulators of Corporations and [illegible] when desired. I think this of that importance [illegible] cannot find one instance of that kind. When an [illegible] then you have permitted your members to give evidence to the lords, but upon an original [illegible] the legislative, you are upon equal footing with the lords; but will you submit and subject yourselves a degree lower, having no precedents to warrant your proceedings? I hope you will be [illegible]

Mr. *Hawles.* 'Tis said, 'There is no prece[illegible] deed, there is no precedent of what has been [illegible] certain that a member may accuse a lord, and [illegible] but to do a great deal of good.

Sir *Tho. Lee.* I desire gentlemen would think how little things draw great consequences; if gentlemen see what they are [illegible] think I have read, or heard, that, in former [illegible] suade them to the necessity of giving Money; the commons would not confer with the lords [illegible] The lords tell you, now, they are doing a thing that is the greatest matter in question, whether they can do it; and when you make yourselves a party, and consent to it, I know not how far [illegible] I would keep gentlemen on the ancient foundation. This case is an enquiry into matters criminal. I know the consequence of the [illegible] of lord Russell, &c. but if the lords take upon [illegible] perhaps, bring a commoner summarily to be tried at their bar.

Mr. *Hawles.* Appeals were taken away by [illegible] in parliament, for Treason; but still there are [illegible] nor a woman. But there is no colour that that statute took away Impeachments in parliament. I would have these persons, desired by the lords, have leave to go.

Sir *Henry Capel.* I know, whenever Privilege comes in debate, that it is a very tender and nice thing, but I hope it shall ever be for [illegible] government. I would not carry privilege to [illegible] hope no Privilege will take place. I think [illegible] the commons. Here have been charters and mens lives taken away, and ill returns of mem[illegible] and no remedy. It is said, 'There is no precedent for this, &c.' but there is a precedent the last session: sir Christ. Musgrave, and sir Philip Howard, attended the lords, to give evidence in the case of lord Essex. As for a committee to consider this, it is a delay to the enquiry, and we ought to show our readiness to the lords in it.

Sir *John Trevor.* I would know the date of the Message; if it bears date now, it is a small delay for a committee to consider it till to-morrow morning. Is it not better to allow [illegible] the house upon it? And the Yeas must go out

Sir *Robert Howard.* It has been said by some, 'We must agree to all the Message, or [illegible] was an original cause from the lords. Can this be a prejudice to you? But this will be a [illegible] 'You have heard a great deal of this matter,

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* See vol. iv. p. 423.

† See vol. iv. p. 1332.

[illegible] and the Lords [illegible] [illegible] [illegible] Thus [illegible]

Mr. *Hampden.* The question is not properly 'Agree or not,' but you may divide the question. I am for maintaining all the privi- [illegible] upon eternal maxims of reason of any municipal law in the world; the civil law, the municipal law of the Romans, was so. When [illegible]

[illegible] particularly in the case of sir Edmundbury God- [illegible] Bristol's Case, accusing lord Clarendon, the lords over-ruled it, 'That a lord could not [illegible] privilege, I could wish privilege out of doors.

Resolved, "That leave be given to Mr. Serjeant Trenchard, and Mr. Hampden, jun. [illegible]"†

Mr. [illegible] [illegible] members, the [illegible] understand it, but leave it an indifference for [illegible]

Debate on the Merchants' Petition against [illegible] Sir Robert Cotton. I am sorry for the occasion of this day's consideration. Lee has told you, 'That no com- [illegible] reached the Admiralty.' I could wish it had reached no other mens ears. Merchants are forced to hire Dutch capers, much cheaper [illegible] The merchants tell me, 'They will give you proof, and produce receipts from captains of Convoy-money, of above 500*l.* I have a Petition from some merchants; they are ready to lay before you matters, with fair proof, of refusing con- [illegible] with evidence.

Sir *Robert Howard.* Now we are come to a point, and a great one; therefore, I move, That the Speaker may take the Chair, to receive the Petition.

Sir *Tho. Clarges.* Whether we had ill conduct of deceit, I will not determine, but I am sure we are very unfortunate, when a great fleet is in harbour, and lies there, and consumes all its victuals, and no account of its [illegible] convoys; though this of trade is the life of the land, yet we are over-reached in treaties. The Dutch are at a fifth less charge in men than we. I could wish our debate would tend to a remedy for the time to come. I have heard of ships that have lain a year for a [illegible] Formerly [illegible] war, and yet carry on our trade. The Dutch are our great competitors in trade, and we join with them in war. I think, at least, we ought to prevent these mischiefs for the future. There was a time when the government of England, though an usurpation, had the French, Spaniards, and Hollanders, all enemies. Their [illegible] one admiral, but it had three, Blake, Deane, and Popham. As far as my prudence reaches, I would not commit the Fleet to one admiral, [illegible]* -- The Speaker resumed the Chair.

Sir *Rob. Clayton.* I have here a Petition [illegible] 600,000*l.* taken from them by pirates, and [illegible] merchants a day, they will make out their com- [illegible] of land, betwixt Scilly and Plymouth, and the [illegible]

Mr. *Garroway.* When the Petition was [illegible] I would have the Petitioners called in, to aver [illegible]

[illegible] Give them a time, and they will prove it.

Sir *Tho. Lee.* I would have them called in, to inform you of getting in. I [illegible] the [illegible] convoy them.—They were convoyed.

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* See vol. iv. p. 283.

† "The commons gave their consent, and the said two members did give their attendance accordingly: but though they had both partaken so largely of the same persecution, and Mr. Hampden in particular had all the reason imaginable to contribute all the lights in his power, as having been chiefly brought [illegible] marquis of Halifax, (against whom, in the first place, the enquiry was intended) neither of them now appeared in a disposition to take the [illegible] mons: and of Hampden it is only said, That he made a long speech, tending more to mag- [illegible] to discover the advisers of lord Russell's Murder. Sir Peter Rich, col. Godfrey, and Mr. [illegible] who had either acted in, or suffered under, the violences of the late times: it was the business [illegible] used to make the former confess: but these were too much upon their guard, and those were so defective in their evidence, that, as [illegible] lasted some weeks, and gave occasion to much [illegible] Addresses [illegible] founded." Ralph.

* It was committed to three in 1690, viz. [illegible]

The *Speaker.* What sums of money were given for Convoy, and to whom?

Answer. "Captain Churchill,* of the Pendennis, convoyed 20 ships; before he would take them they paid him, some ten, some eight guineas. [illegible] He [illegible] paid [illegible] himself, and four more. I have showed the receipt of 40*l.* to sir Patience Ward, by captain Churchill, for Convoy."

Sir *Patience Ward.* Capt. Churchill would not undertake a Convoy without 300*l.* and because he could not have the money he pressed his men; and the ship, for want of men, was cast away.

Mr. *Garroway.* The convoy is only from the Land's End to the River. If there be but this one case, it is well; but if there be more, give them till Monday.

Mr. *Hawles.* To give a gratuity for a present, when the Convoy goes off, is ordinary; but this was paid first, by agreement.

Sir *Edw. Seymour.* Before you leave the chair, I have a short motion to make, which, I hope is for your service. By what I have heard, I find the state of the nation is in ill condition. It is a large field, but one thing is manifest and notorious, the loss of trade and treasure, by neglect of guarding the sea, whether by ignorance of the admirals in general, or by particular mismanagements.

Mr. *Garroway.* If you put it 'To enquire into the mismanagement at sea,' your order will be too narrow; but put it 'for want of due guarding the sea.'

Sir *Tho. Lee.* I do not know gentlemen's meaning, nor how far losses at sea, and due want of guard, will extend. Losses may be, and yet good fleets at sea, and you masters of the sea. Great numbers of ships were lost when the French fleet came out. If merchants will go ship by ship, and not by company, all the fleet cannot protect them. For my own part, I will [illegible] gentlemen [illegible] know as little as myself [illegible] more of the government than I have.

Admiral *Russell* † It being a question Whether the fleets were sufficient to keep the [illegible] it was [illegible] to give. It is said, 'The fleet last summer was of no use;' but [illegible] French [illegible] but went to Ireland, a dangerous coast, and kept [illegible] French [illegible] money. [illegible] it was [illegible] your fleet. It is impossible to guard all places, but if your merchants will venture, they cannot be guarded. If it appears to be thus, I think the question better let alone.

Sir *Samuel Dashwood.* I can justify it by persons that the Sugar Fleet lost several [illegible] that the Fleet was in danger, that lord Berkeley might stay for Convoy, but the admiralty commanded Berkeley home: and I think the loss was for want of convoy.

Sir *Tho. Lee.* Every fault is great, till understood. I think I may agree with the gentleman in what he said. The thing in [illegible] was thus, such ships as were [illegible] keep the sea, [illegible] were ordered [illegible] cruise, to do some service of importance. The king commanded lord Berkeley to come in, and refit, and victual; these were to take more men on board, for some extraordinary service in Ireland.

Mr. *Papillon.* I hear it said, 'More service [illegible] the Fleet from Ireland than saving seven Sugar-Ships;' but I would know why [illegible] was not trade or both, trade preserved, and Ireland guarded? But it is demonstrable we lost our ships for want of guards.

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* Member for St. Albans, and next brother to the earl (afterwards the illustrious duke) of Marlborough. He was many years a gentleman of the bed-chamber to prince George of Denmark, and in the year 1689, [illegible] commanded a squadron on the coast of Ireland. After this he was appointed a lord of the Admiralty, and in the reign of queen Anne he was made [illegible] to prince George. He died in 1710.

† "One of the chief promoters of the Revolution, being sent over to the Hague, the May [illegible] interest in [illegible] and to know [illegible] what [illegible] expected from him. He was a cousin german to lord Russel. He had been bred at sea, and was [illegible] to the king, when he was duke of York; but, upon lord Russel's death, [illegible] He was a man of much honour and great courage; he had good principles and was firm to them." Burnet.—He went over to the Hague again in September (accompanied by the earl of Shrewsbury) and came over to England with the prince. In 1690 he commanded the Fleet, and [illegible] victory at La Hogue: notwithstanding which, and though [illegible] conduct [illegible] the house of commons, the king was so prejudiced against him, by the earl of Nottingham, that he dismissed [illegible] from his service. In 1694 he was restored to favour, and commanded a large fleet that year, and the next, in the Mediterranean; and in 1696 disappointed the French invasion. In 1697 he was created earl of Orford, and was, at the same time, Treasurer of the Navy and first Lord of the Admiralty. He was impeached by the house of commons in 1701, [illegible] the Navy, were [illegible] in 17[illegible]. He was [illegible] placed at the head of the Admiralty [illegible] the year [illegible] and died without issue in 1727.

Sir *Tho. Lee.* I think myself as little concerned as any man. You are told, 'both, &c. [illegible] I think the Admiralty not much asleep in the [illegible]

The Petitioners being called in, were ordered to attend on Monday; and captain George Churchill, a member of the house, had notice to attend in his place at the same time

[illegible] [illegible] The house went into a grand committee on the State of the Nation.

Mr. *Howe.* I think the question is, Whether the Merchants [illegible] as the Chairman states it? I would consider every part by itself. 1. That the [illegible] are faults, and not misfortunes. 2. How the Toulon Fleet came to join the Brest fleet, and, 3. How king James got into Ireland. Not guarding the seas has been a great fault. If the admirals are in fault, put them out, punish them. When the men were to go [illegible], there was nothing to [illegible] them, [illegible]. Name the persons that are to blame; come to the [illegible], and that is the way to cure the [illegible]. Provisions were faulty, and, in some places, [illegible] bad. No man can be angry [illegible] a man for getting a good place, or buying it cheap; enquire into those who put them in. Scotland is in ill hands; in Flanders we pay for [illegible] men, and have [illegible]. These little things moved are below us. At the good spring in Hyde Park, if one pipe runs muddy, then cleanse it; but if the whole spring runs muddy, we shall think somebody stirs it with a dirty stick. I do not like shooting cannon at sparrows.

Sir *Tho. Clarges.* I think the Trade of the nation is no 'sparrow.' You are told of a 10*l.* convoy, &c. is that nothing? I know no greater offence in the government than raising money on the subject; it is an obstruction of trade, and a great Grievance, and we must look for a [illegible] matters, is to prevent coming into them again. I move, That the question may be, 'That the [illegible] of Trade, and a Grievance to the Nation.'

Sir *Joseph Tredenham.* I think nothing will [illegible]

Sir *Tho. Clarges.* If it be a Grievance that trade is obstructed for want of Convoys, you ought to declare it so. What else would you [illegible] or eight vessels is an inconsiderable thing: and you will be at the same pass next year. Call it a Grievance, and put your stamp upon it.

Sir [illegible] our persons, punish them; but, in the mean time, find out the thing. When you have found out stations for Ships, as merchants can best inform you, if you apply to the king he will remedy it, [illegible]

Sir *John Guise.* Do you think this will make [illegible]? Every sea-port knows and speaks it. I have heard, and am afraid, that when the French came out, some of ours came in. If you believe that [illegible] ships were called away, and your Merchants left, you may resolve it. I am afraid the removing those ships [illegible]

Col. *Birch.* We all agree, that one such a year's war more will make an end of you. In short, from one end to the other, there is no part [illegible] serve our turn the next year. It is not as formerly, [illegible] to talk of spending 500,000*l.* in the tail of the year. Formerly, Merchants were hired and sent out, whose interest it was; they paid them [illegible]. They did not do as they did this year, pack them up like herrings in a barrel; they brought the nation [illegible] carefully and regularly. Sometimes the Commissioners [illegible] twelve. If this is the thing, what do you enquire after? Part with your Money, and wait [illegible] of them! Pardon that piece of ill luck in our people, to be asleep all that while. It looks [illegible] you, to bring you to a Treaty with the French. These men formerly would have been at Cork or Kinsale in all this time, and made it but an [illegible] 'the Sea has been ill-guarded,' it is part of our bad luck; but I care not much that you should put it, for they tell you, 'Those were called back by the King's command,' but to send none in their place,—I believe his majesty a prince of better conduct than to aver such a thing. If gentlemen agree with me, that neither our conduct nor way of fighting, are fit to [illegible] hands next year, else the game is up; had you other hands, I would give my consent to hang [illegible]

Admiral *Russel.* I know not well where to begin. I have had the honour to be long in the navy, which seems now charged with ignorance, cowardice, or corruption. I am willing to [illegible] service, [illegible] I could not have been serviceable to the government, my own condition is so easy that I might have declined it. It is said, 'When the French came out, we ran away.' These are hard things, and [illegible] from this hard imputation. We lay on the French coast six weeks, and, I believe, for the most part, not three leagues from Ushant. We lay there as long as weather [illegible]. We are accused of 'letting the Toulon squadron join the Brest.' We had no way to know it but by scouts. There are foggy nights, weather, and winds, that carry us eight or ten leagues from thence. Nobody that served in the Fleet but was desirous to [illegible] any gentleman here. I attribute this to misfortune only. Unless we should pull the French out of port by the ears, I know not how to have fought. I do aver this, that fifteen days after we left Brest, no ship came in there. I desire that either these things may be proved, or these reflections laid aside.

Mr. *Hampden.* Nobody is more ready to redress Grievances than I, and I would have you take some way to redress your Grievances. I would have all persons speak without passion or reflections. In the Letters that were intercepted you find it said, 'That though it was a cold season, yet it was like to be hot weather in this house.' And nothing but personal reflections will do it. If you go and look back to Miscarriages, set your bounds how far you will go. I have never meddled with persons in this house for this 30 years. If you will look back, say how far. I know not whether the Fleet be weak or strong. That the French are too strong, is as much the cause as you too weak. Who would have thought of this formerly? I say, this greatness came from the Pensioner-Parliament that sold their country. Their greatness arose from our treachery. That there is treachery now at sea, is the complaint; the reason, because there are too many Votes on the other side. Can a house, and a family, and all, be removed on a sudden? There is something to be indulged in this. I never had employment nor money before. I have got nothing, only I desire quiet with my neighbours. I do not only serve the king as my prince, but [illegible] as one whom I love. Be pleased to agree what you would have done, without personal reflection

Col. *Austen.* It has been asked, 'To what time will you go back for enquiry into Miscarriages?' It has this answer—as far as the necessity of affairs will lead you. In a private family, if you entertain all those old servants that have ruined you before, what can you expect? I remember Howe told you of awls and bristles in a shop; you would not think a painter but a shoe-maker was there. If you hope for better management, these journeymen, and their tools too, must be laid aside.

Sir *John Trevor.* The State of the Nation [illegible] Grievances [illegible] re-medy but from the king; therefore I would have [illegible] State of the Nation; and then you may come to the [illegible] the first Head; and then whether any thing amiss in relation to the [illegible] it in, whether in the disposition of the Army, or the Fleet before Brest; and, in the last place, to offer your advice to the king how these things may be remedied. You need not call these things Grievances; they will be so manifest they will call themselves grievances. Howe would find something against these persons in the government; but to go back and ravel into, that will never have an end. I would not [illegible] another. It is 'the present State of the Nation' is our business. [illegible] ways, yet all are for regulating affairs to keep out the French and the Irish. Till you have Reports, from Committees, of the several branches, I would adjourn the debate, and make report to the house of what you have done.

Sir *Tho Lee.* I am unwilling that these things which will naturally follow should be called Grievances. It is as natural that trade be obstructed, as that you make war; and all you can do cannot prevent ships being taken. You may say as well, the French war is a Grievance. I will not conceal faults, nor say there are none, but I think the nation cannot bear the expence long. That which I move you is to search the Admiralty-books, and compute all, and then you will see how the Money went away. I stand up only that I would not have any outcry against the government. That which is done could not be helped. You are at war with one kingdom, and have another to conquer. I desire, whatever censure you pass, do it as it deserves, when you have examined all; if you make men unable to serve the king, you stop the war. I move, That you will appoint a Committee to search the Admiralty-books for their orders, and numbers of ships, and see the state of the ships, and then give your judgment.

Mr. *Elwill.* It is a strange thing we should have so many ships at sea, and never meet any French ships; and it is strange doctrine to have so much loss by capers of six or ten guns; and if we cannot fortify ourselves against capers, [illegible] shall we against men [illegible] the committee will enquire into the numbers of ships for stations, that will be your only way to secure trade.

Sir *Edw. Seymour.* By the debate of the committee it is difficult for me to know in what manner to apply my discourse. I know not what ill-luck there is without doors, but I am sure we have it within, when there are personal reflections. Our treasures are spent and turn to little account, and those Mis-

[illegible] It is said, 'Our ships [illegible] by men of [illegible] We had enough to [illegible] [illegible]

If we confirm these Miscarriages, we invite the [illegible] an abdication of a king, a thing never heard of [illegible] no Pensioners in this parliament, but I am sure it is full of Officers, and an 'Officered-[illegible] [illegible] riages, we are told, 'That is branding the Go-[illegible] 'That he heard things that would make a cat [illegible] I move, that you will vote, That the not guard-[illegible] for admiral Russel, I believe him the last man that would do ill in the Navy, and the last man [illegible]

[illegible] committee, That the want of a Guard, or [illegible]

Debate on disfranchising the Borough of Stockbridge for Bribery and Corruption †.] Nov. 15. Sir *Wm. Williams*. For [illegible] rel with our own elections, who serve for bo-[illegible] a matter of great weight, and deserves consi-[illegible] from [illegible] I hope, at this time of day we shall not alter [illegible] and another parliament may throw count[illegible] [illegible], That you will adjourn the debate.

Sir *Edw. Seymour*. I am very tender in any [illegible] constitution. The best way to preserve it is to put it upon a right foot. That one of the third [illegible] whole, is strange. But gentlemen forget their [illegible] guide of the legislature? The consequence of [illegible]

[illegible] Long Parliament made the government a Com-[illegible] men. I think doing that would alter the government. Therefore I would take some time to consider that before I would do it.

Mr. *Foley*. This case is of great conse-[illegible] burgesses till they have got a better body of men to elect. I would consider it.

Sir *John Trevor*. I never heard of boroughs dissolved before. I am afraid, if this question pass, you, Mr. Speaker, and I, shall sit no more in that chair. I have the honor to serve for a [illegible] I am obliged to a member of the house, (May-[illegible] I know not the consequence. If the offence of [illegible] been exempted, there are a great many prece-[illegible] of Trade? The house stands upon ancient constitutions, and I hope you will not remove old land-marks.

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† It appeared, on the Report from the Com-[illegible] Wm. Montagu) and the petitioner (Mr. Strode) had been guilty of Bribery; and thereupon the [illegible] custody of the serjeant; but the question for [illegible] the above debate, was, 'Whether the said Borough should be disfranchised for ever hereafter from sending burgesses to parliament; and, instead [illegible] be chosen for the county of Southamp-[illegible]

Mr. *Finch.* Though this is a poor borough, and Bribery has been found in the election of members, yet the disfranchising of it carries a great consequence. This is not the first poor [illegible] first questioned; and shall all the poor boroughs be disfranchised, because this poor borough has been guilty of corruption? At West-[illegible] there was Bribery, and [illegible] mayor was fined; had there been reason for it, it would have been disfranchised. Before you make this first step, pray consider of it till [illegible] appear by the Journals, that the matter was [illegible]

Debate on the Defect of Ordnance.] Nov. 16. Sir *Henry Goodrick.* I am to acquaint you with that which admits no delay, and if not speedily taken care of, no man in England is safe. With the king's leave, (I durst not else) I must acquaint you, that there is a Petition to the Office of Ordnance from men of great [illegible] esteem, from all the powder makers [illegible] upon any particular person, but I hope you will not [illegible] gun-smiths, the ironmongers, the salt-petre men, gun-powder [illegible] with Moneys to support their credit. The [illegible] the king's service cannot be pursued without [illegible] have made 24,000 barrels, of which a great deal is lost [illegible] They want but one single Vote of encouragement. You want all this to set out your men [illegible] great importance: the Petition is from men of great credit. The store is so low, there is not above 30 ton of brimstone. The Merchants have sent word to the Office of Ordnance, that they will have 20*l.* a ton; and now they refuse to enter into any contract at all; without something of your encouragement, it will be lost. I move you for a special Committee to enquire, and a Note for encouragement.

Sir *John Guise.* I now hear what I have seen a good while. You give Money for the war, and you know not whither it goes. If to [illegible] will, you find it not disposed as you intend it. The best thing you can do, is not to see your Money diverted. I hope you will give some encouragement to these men, and appoint a Committee to know the State of the Account of the Nation, and you will see those that are [illegible]

Mr. *Hampden.* I agree with the premises [illegible] be appropriated. If you enter into a war, and your [illegible] you cannot be served

If you appropriate the money, I hope it will [illegible] Musters, enquire into it. Suppose now a great deal of money is wanted at the Ordnance, there is 25,000*l.* laid out upon salt-petre, if this money has been diverted; if soldiers had robbed and stole, and entered upon gentle[illegible] out that many a 10,000*l.* is come short of what you have given.

Mr. *Garroway.* I did not expect any thing of this, this day. When we computed the charge of the War, we did include the Office of Ordnance, and now they cannot carry on the war without more money. There [illegible] Stores in the office, and we have had no fight. I have heard of debts upon an old foot of account. I would know whether this is upon the new or old account.

Sir *Henry Goodrick.* The Office of Ordnance has avoided all manner of account of charge [illegible] within the compass of one year, there has been such extraordinary emption since. There is no old debt at all of sir Thomas Chichley's time, but this is for Stores actually since 'twas in the king's service. The Office of [illegible] asking, nor [illegible]

Sir *Tho. Clarges.* I take the public Revenue to be 1,000,000*l.* per ann. You have passed a Vote for 600,000*l.* per ann. for the Civil List, [illegible] to be above [illegible] time of peace, understanding in time of war, all that can be spared out of the [illegible] the public interest of the kingdom. I think it very extraordinary that the Ordnance [illegible] make these Reports [illegible] they ought to apply. Here is a bill for a goose, and a bill for a gander. Common fame says, the Army is not paid, [illegible]-Money. They [illegible] ship above half the companies. It is said, the [illegible] are paid, and the [illegible] months behind [illegible] Commissioners of Accounts [illegible] We have [illegible] great opportunities in Ireland; I hope they will give you a better account.

Sir *Edw. Seymour.* Whether money has been diverted, or misapplied, this is matter of fact; the Seamen are not paid, and the Office of Ordnance is in a miserable condition. I will tell you this for matter of fact, and lay it before you, and I will undertake to make it out upon undeniable records; that in January last, all the Stores of the Ordnance and Navy were fully provided, yet remaining in the Office of the Ordnance to the value of [illegible] where the expence has been [illegible] occasion of consumption, there must be a fault somewhere.

Col. *Austin.* The point of fact before you is a defect of the Ordnance, and is there not a necessity [illegible] that defect, to [illegible] and enquire into faults afterwards?

[illegible] the Treasury, that the Seamen cannot be [illegible] think it proper, as the king's officer, to com[illegible] king; I am here as a member of parliament. You will find, upon enquiry, how little came in [illegible]

Sir *Henry Capell.* I know not well the drift of this debate. I would gladly have the [illegible] Excise is to pay a considerable sum of the prince of Orange's Money. Till you see the Accounts and the Vouchers, 'tis a hard thing to say, 'That my steward has embezzled my money.' How far Guise's abilities are in Accounts, I know not; but this may startle a [illegible] sees the paper of the Accounts. I hope every body, hand in hand, will be as thrifty as they can.

[illegible] If I am the man reflected on, I am as capable of reckoning 1, 2, 3, as another man. As for Money, I would give it [illegible]

Mr. *Sacheverell.* I am surprized at the mo[illegible] the Army nor Navy paid? I must wonder how 900,000*l.* ad comes under lord Ranelagh's care: the [illegible] How [illegible] and England come to 900,000*l.*? I do not understand it: I desire he would inform the [illegible]

The Earl of *Ranelagh**. 981,000*l.* has been paid me. I shall explain how that sum has been issued. There are four armies in being; the English army in Holland, the Dutch and the English in England, and the army in Ireland. I have nothing to do with the Dutch army, but all passed in my name, but was received by a Dutchman, paymaster to that army. An Account has been given to the committee; I cannot carry all the figures in my head, but when you require it, it shall be done. The [illegible] Arrears of the Army that came over to him from king James; they were 22,230 men. They went from my care to Mr. [illegible] I am near the matter, clearing the Dutch and English armies. When the king came over, [illegible] Privy-Seal, and so to [illegible] to the forces in England; for those in Holland and Ireland only.

Mr. *Sacheverell.* I hope Ranelagh will not take it ill if I ask him a question, or two. Whether [illegible] of [illegible] maintained? If it can be made out, that there never were 50,000 men, I would know, if there [illegible] Suppose 35,000 foot. at 2*l.* a head pay, officers and soldiers, that is 700,000*l.* Suppose there [illegible] 50*l.* a man, and that is not above 1,500,000*l.* [illegible] paid; I would know how that comes about?

The Earl of *Ranelagh.* I hope, that, by virtue of my memory, you will not put me to [illegible] management, is [illegible]

Sir *T. Clarges.* [illegible] was 50,000 men; that number, being never here, cannot come to 1,400,000*l.* In the time of Cromwell, and king Ch. 2. the establishment of a trooper's pay in Ireland was but 12*d.* a day, and the foot 8*d.* In Dublin it was more, because dear there. The grievance to me is this; the officers are not paid, and not clearing the Musters is a great damage to the king. Some reflections are made on what I said of the Revenue [illegible] per ann. I [illegible] were to be allowed. I will make it good upon my credit, that near that value is received. The Tax, &c. 800,000*l.*

Sir *Christ. Musgrave.* I think this is a good Account that has been given, but I would have it brought into the house in writing. We have been upon a long debate, and are coming upon a dangerous question, upon a sudden motion in the house. I know not what times or necessities you are coming into, therefore I would be [illegible] more Money [illegible] You have [illegible] what you have given, [illegible] gave [illegible] Ordnance and your [illegible]

Mr. *Garroway.* I think it is well moved not to vote [illegible] a sudden motion. 'Tis a dangerous pr[illegible] to make ourselves accountants. You are here to compute the War in gross; mine has no other end but to give Money for the necessary defence of the kingdom. Let them compute the charge for so many men; if they mis-spend it, let them answer it in God's name. I would enter upon Accounts no farther than to supply the present occasion. The deeper we entered upon Accounts, the deeper was always the charge. I have ever found it.

Sir *John Trevor.* I had rather lose my estate in Ireland, than have that Vote. What does [illegible] Commission?

Sir *Edw. Seymour.* You have appointed Monday for enquiries; I have a List in my hand of particulars, most from trading mer-

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* "One of the ablest men that Ireland has [illegible] of a loose run of pleasure, and much riot. He [illegible] great posts.' Burnet

[illegible] ingly.

Debate on the Charge against Captain Chur- [illegible] Convoys, was heard at the Bar, viz. "That he [illegible] would give no money, he took their men from [illegible]"

Capt. *Churchill.* "I find a Complaint against me, &c. I deny that I ever refused to convoy. [illegible] purse. If I have given offence, I am extremely sorry for it, and shall do it no more. As for pressing the men, I took none but what I had extreme necessity for. If I took so many as is said, they could not have sailed with me. I am sorry I have given offence, and I will never do any thing to displease this house. Convoy money has been anciently practised. I was [illegible]"

Mr. *Papillon.* I would have capt. Paris [illegible] If a witness be dealt with, and minces the matter, you will never have truth.

Sir *Robert Rich.* I have heard the whole [illegible] you need not. Your member (Churchill) has owned [illegible]

Capt. *Churchill.* I confess, I convoyed 23 of 44, and if I had forced money from one, I might have done it from others, and it was a voluntary gift from them. I acknowledge I received 150 guineas as a voluntary gift from them; and I compelled no man.

Mr. *Papillon.* This is a thing of great consequence. I would not have this captain discouraged, nor the merchants abused; if they will give a gratuity, 'tis not extorted, but voluntary. Capt. Churchill told them, 'If you wil [illegible] lain by, ('twas a bargain,) their men were taken [illegible]

[illegible] vernment. The thing, as it is alleged, appears a heinous crime. If these Merchants will run presently, and make Subscriptions, indeed I do [illegible] he does not appear to be a great criminal, for [illegible] I hope you will inflict as moderate a punishment [illegible]

Mr. *Smith.* I am sensible this gentleman [illegible] for your censure. He has made a modest confession of his fault, and if you can prevent this for the future, I would deal moderately with this gentleman.

Sir *Wm. Williams.* I cannot agree to pass this over without a question, nor would I [illegible] been fully proved at the bar. Some call it 'a free-will offering, or present.' I would come to this Resolution, 'That taking of Money for Convoys, by men of war, is a Grievance.'

Sir *Christ. Musgrave.* I think your honour is concerned, for capt. Paris has prevaricated with you, and you will lose your authority if [illegible]

Captain Paris was called in.

Capt. *Paris.* "I have now recollected myself. I petitioned lord Torrington for a Convoy; who answered, 'If we would go to Torbay, he would take care of us.' Capt. Churchill came, in the Pendennis: I asked him, 'Whether [illegible]' He [illegible] 'He was bound for the Channel, but if it would [illegible]'"

Capt. *Hill.* "Paris put the question to Churchill, who said, 'He had no order to convoy [illegible] go to the Downs [illegible]'"

Capt. *Churchill.* "The offers from capt. Hill came a week after, 'That if I would leave the [illegible] and convoy them, they would [illegible] the 200*l.* 400 guineas.' This, I hope, will, in some measure, justify me to the house, that I [illegible]"

Mr. *Coningsby.* This is a fault, and a great one in Churchill, but I believe it an universal one; but because others have not been so modest as your member, I would prevent it for the [illegible]

Sir *Edw. Seymour.* I do not at all approve [illegible] have not heard. You have heard the Exami[illegible] government of the Navy. I shall only say thus, that this affair now coming before you, and influencing the whole matter of Trade, I do [illegible] but that it is so much proved. It is a hard thing to bring men before you with accusations of this kind, and if you leave them in a con[illegible] these Merchants [illegible] persons [illegible] the Dutch [illegible] gentleman came that had the reputation of a [illegible] 'while' was; it was 250*l.* Till then they could [illegible] and he took their men from them [illegible]

[illegible] voys has been a practice, but never came into [illegible] done it, is no rule for you; neither this gentle-[illegible] all, this is before you: if you make not persons tremble, and, when proved, let it pass away, [illegible] tion you will take to prevent it for the future, [illegible]

Col. *Granville.* I hope you will not punish a thing not declared a crime. I should have thought myself ill used if I had it not. I have [illegible] I move, That you will vote this illegal, and ad-[illegible]

Sir *Christ. Musgrave.* I hear, from under the gallery, what I heard not before, 'That [illegible] trade.' [illegible] convoyed ships; but this gentleman was sent down for a Convoy. He tells you, 'That is a mistake of making it worth his while;' but one of the captains tells you, 'They could not have a Convoy without Money, and then they should have sailing orders.' I have not heard of such a thing; if this be the practice of the Fleet, you ought to remedy it. Taking money thus was ever a crime in this house; and why should this person, being a member of the [illegible] you make a law for this, they will say there [illegible] before you; they will be afraid. If you think [illegible] I am for punishing.

[illegible] severest punishment. About nine years ago, [illegible] smooth over this horrid oath; but, instead of that, the house thought fit to give a stop to that growing mischief; they brought that mem-[illegible] another, and expelled the house. I wonder how [illegible] a stop to this business. I challenge any man [illegible] paid before-hand; but for Convoys to contract before-hand! These things being so plain, I [illegible]

Mr. *Garroway.* I am sorry for this. I wish well to the nation, though I have but little time to enjoy it. You are pressed for a Vote [illegible] vote. I remember a person (Ashburnham,) for pressing the king about a Petition, about French wine, which he treated for a small [illegible] it is a thing before you, in judgment; but, if because it was not a crime before, you pass no judgment upon it, I look upon all these poor men that complain, as crucified. I have [illegible] sions, 'You will be turned out of your offices for it.' I know not what to move you, but some exemplary thing you ought to do.

Mr. [illegible] to do justice home. You have two witnesses, that, on the composition, they returned the [illegible] the Navy. I am sorry this gentleman is a member; because of the justice of the house, you are the more concerned, and you can do [illegible]

Sir *Edw. Seymour.* I am for proposing a question, seeing the Chair proposes none; viz. 'To declare that Money extorted from the [illegible] obstruct Trade.' Next, 'Whether captain Churchill be guilty of extorting Money?' And next, 'What punishment you will inflict on [illegible]'

Resolved, "That the requiring or receiving Money for Convoys is illegal, oppressive to [illegible]"

Sir *Wm. Williams.* I cannot agree, as is moved, 'That Churchill only make submission.' It will require a great deal of Examination: if you will lay a severe punishment upon him, [illegible] I would adjourn the debate for a week.

Resolved, "That capt. Churchill is guilty [illegible]"

Sir *Wm. Leveson Gower.* I will never make [illegible] or land. I hope an ounce of misdemeanour will never weigh down a pound of merit. I [illegible]

Sir *Edw. Seymour.* Here is a person has [illegible] proposed to give him a reprimand in his place, [illegible] more; and if he does, he will not give an ac-[illegible] tice, punish any man, more, if you punish not this man. It is said, 'He is a gentleman of [illegible] come before you, but as much may be said for [illegible] again? But you are to do something more, in consideration of your own justice, and the men that brought this before you. Will you leave these men to be worried by the seamen? Send him to the Tower, and declare him not capable to serve at sea again.

Mr. *Papillon.* As to restitution of the Money, it must be a greater sum than this 200*l.* It must be all that has been taken.

Sir *Christ. Musgrave.* You were told by one, 'He was unwilling he should come upon his knees, and yet be sent to the Tower.' If sent to the Tower, he must be upon his knees at the bar. Lord Devonshire was sent to the Tower,* and not upon his knees. Will that sound well, to be reprimanded only in his place? I would send this gentleman to the Tower, and order him to make restitution. Else you will not give satisfaction to the people injured.

Sir *Tho. Lee.* There is nothing so essential as the reputation of the house, that you will do right to all people, and see that none have wrong. The exercise of your power should be so tempered, as not always to exert itself to extremity. As for presents, every body takes them, but you are doing this for a precedent, and I hope it will be remedied for the future. There are great expectations what you would in this. For length of time in the Tower makes the punishment. There have been precedents, in these cases, of bringing to the bar; but I am for the new precedent of lord Devonshire, to commit this gentleman to the Tower, and not bring him to the bar. Neither would I encourage complaint by over-doing this. This gentleman would rather, I believe, fight three battles with the French, than one with the house of commons. I move, That he may be sent to the Tower.

Resolved, "That captain Churchill be committed to the Tower."

Dr. Walker receives the Thanks of the Commons for his gallant Defence of Londonderry.] Nov. 19. Dr. Walker came to the house to receive their Thanks for the service he did at Londonderry.†

The *Speaker* gives an account of a precedent, in 1607, of a Scotch gentleman that gave some Account to the house, sir W. Seaton who had a chair set for him*.

Mr. *Garroway.* That was in respect to the Scotch nation, and king James, then [illegible] come in. It [illegible] come to the bar, to receive the thanks of the house, and I would do no more now, nor make any new precedent.

Sir *Tho. Lee.* I am afraid some gentlemen make too light of form; the dignity of the house must be preserved. You sit often in a committee of lords and commons, but not a conference. Sir John Grenville, when he brought a very welcome Message to the house from Charles II. from Breda, delivered it at the bar, and it was not thought below his dignity; and sir Samuel Barnardiston, when he acquainted the cause of the original [illegible] the lords house, had your thanks given him at the bar. You must have respect to the dignity of the house, else you will bring it to nothing.

Dr. Walker, at the bar, standing.

The *Speaker.* Dr. Walker, the house has received a Petition from the Widows and Orphans of those that were slain, and died in the siege of Londonderry, and has thought fit to recommend their Petition to the king, that he would please to give them 10,000*l.* for the ease of their present sufferings. They likewise take notice of the extraordinary service you have done to their majesties, and to England and Ireland, in the defence of Londonderry, and especially in that you undertook it when those who should have defended it deserted it; and they have commanded me to give you the Thanks of the house, and I would have you give the Thanks of the house to the men that were in that service.

Dr. *Walker.* "Those poor creatures, I am assured, will be very thankful for the honour you have done them. For the service we have done, we do not deserve the honour you have done us. We shall at all times be ready with our lives to maintain the Protestant king and the Government." And he withdrew.

Debate on a Petition from the Jews.] A Petition from the Jews was delivered by Mr. Paul Foley†.

Sir *Tho. Clarges.* I remember a Protestant lady in France, who, being sick, and pestered by English priests, sent for one of our ministers, and he put them out. Our ambassador had audience of the French king, and told him, That they were subjects of the king

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* When he was lord Cavendish. See vol. iv. p. 761.

† After col. Lundy, the governor, and the Council of War, had resolved to abandon the place, the townsmen chose this Mr. Walker, (who was rector of Donaghmore, and had raised a regiment for the defence of the Protestants) together with major Baker, joint-governors; and, though the place was very ill fortified, and their cannon, which did not exceed twenty pieces, were wretchedly mounted, though they had no engineer to direct their operations, and had a very few horse, with a garrison unacquainted with military operations, and so destitute of provisions, that, at last, even the most loathsome food began to fail, they defended the town against all the efforts of a formidable army, commanded by king James in person, till it was relieved with troops and provisions, by gen. Kirk. Mr. Walker, on his coming to England, received from king William a reward of 5000*l.* and a promise of farther favour; but his military genius still prevailing, he attended his royal master to the battle of the Boyne, and there lost his life.

* This had been voted him the day before.

† There is no mention of this Petition, or Debate, in the Journal.

[illegible] molested. The French king replied, 'While they [illegible] tells, and [illegible]

Mr. *Hampden*, jun. I hear some of these Jews are naturalized, but I would know how they come to be naturalized? If a Jew kill a man, or a man a Jew, he will be hanged. There is a [illegible] subject [illegible] the [illegible] laws.

Sir *Tho. Lee.* Consider the consequence of [illegible] from the Jews. It is directly against an Aid; 'They desire not to [illegible]' Pray let no such Petition be received. You will not receive it from others, [illegible] the Jews.

Mr. *Hampden*, jun. My knowledge reaches not to that doctrine of receiving no Petition against an Aid; it is not for the honour of the house to receive such a Petition; it is a new [illegible] Petition against [illegible] in granting. I never saw such a petition, nor such reasons to the contrary. Those Jews are subjects, in a large sense, and since it is urged as the right of subjects to petition, let them [illegible] the rest of subjects.

Mr. *Foley.* I think, that, for the honour of the house, you are to hear what they will say. Where you lay a general tax on a whole kingdom, you can receive no Petition against it, [illegible] represented here, but where there is a particular tax on men, they may pe-[illegible]

The *Speaker.* I never knew a Petition against a Bill before the house was seized of it.

Sir *Rd. Temple.* You have heard petitions against a tax on Sugar and Tobacco, but they [illegible] take [illegible] every Vote [illegible] ground a Petition upon, that is not parliamentary.

Mr. *H*[illegible] You have the great necessary that the Money should be raised. I have a Bill in my hand; pray let it be read.

R[illegible] *the Case of Sir T. Armstrong.*] [illegible] the case of sir Tho. Armstrong was again reported; upon which the house came to the following Resolutions, viz. 1. "That sir T. Armstrong's Plea on the statute 5 Edw. 6. ought to have been admitted; and that the [illegible] in the Attainder by Outlawry, was illegal, and a murder by pretence of law. 2. That the executors [illegible] of the said sir T. Armstrong, ought to have reparation of their [illegible] of the Estates [illegible] Judges and two prosecutors. 3. That a Writ of Error for reversal of a judgment in felony or treason, is the Right of the subject, and ought to be granted at his desire; and is not an act of grace or favour, which may be denied or granted [illegible]." The House [illegible] by the Committee appointed to examine this [illegible] —Ordered, "That leave be given to bring in a Bill to reverse the attainder of the said sir T. Armstrong, and to make [illegible]

Debate on the State of the Nation.] Nov. 23. The house went into a grand committee, on the State of the Nation, Mr. Grey in the chair.

Mr. *Papillon.* Two things we are to consider; how the Money you have given has been spent, and how the Army and Navy have [illegible] consider the State of the Nation, to provide for the future. A great deal of Money has been given, but has not answered the charge. We have a war in Ireland, and the French upon our coast. I would provide suitable provision for all.

Sir *Rob. Howard.* I should be glad to be instructed by gentlemen to come to particulars. Melancholy complaints will do us no service, and [illegible] effect, than that 'the Regency' was good advice. I will let generals pass, and offer particular remedy, which calls upon you for redress; that is, in the case of your Forces. As you have heard, on the muster-rolls, there has been 70 men in a company, and it is well if there be 40. Now Money must be considered, that it may be to save you. If 10,000 men be pretended in Holland, and there are not [illegible]000—the business is [illegible] the War, and [illegible] the Irish [illegible] by land, as we have taught the French to fight by sea. Therefore I move you to make a present inspection into this, and a strict one. I would have members of the house employed, both in Ireland and here, and every where, that by this deceit we be not brought to ruin. If officers [illegible] remedy that. What I move, is, to send presently into Ireland. The business [illegible] King William is 'king of this people, and this people's king.' This must be presently inspected.

Sir *Tho. Clarges.* A great part of this motion has been already answered, of sending persons into Ireland; so far, I think, we are on the way. I doubt not but the king, for his own preservation, as well as ours, will not pay men in [illegible] Money to support the government, to save an unnecessary expence. Therefore I would address the king to take away that Charge in Holland of **** a month. By the best enquiry I can make, we are under no obligation by Alliances.

Mr. *Godolphin.* What is offered, is proper in due time; but if the men step ashore before the ship be at anchor, she will be apt to run a-drift. Before I come to particulars, I shall offer something general abroad and at home. In respect of the [illegible] engaged in, not by a short Act to collect M[illegible] Trade. The [illegible] of France are now fied, and [illegible]. For [illegible] there is [illegible] your [illegible]. I [illegible] but [illegible] that [illegible]. I think the [illegible] who [illegible] Protestant [illegible], at least [illegible] this consideration till a more convenient season. For Trade, whilst you are defending yourselves, the common enemy runs away with your Trade. For Grievances, as the Charters, &c. I am of the same opinion I was of the last session, for an Act of Indemnity from the king, to give him all the grace of it, to unite against the common enemy. Your enemies are either of France, [illegible] France [illegible] the French king's Revenue is 116,000,000 of livres, and he has 200,000 men in pay; his kingdom well fortified; his arsenals well stored, and a great force by sea; they have met the English and Dutch Fleets in conjunction. It behoves the house to think how we shall deal with such a formidable enemy, to consider our allies, and to know how far Holland [illegible] go [illegible] the Pyrenean Treaty; what will it signify to give up Burgundy, and Luxembourg, &c.? I [illegible] the French Navy. I move, therefore, to know how far Holland will join in suppressing the [illegible].

Sir *John Guise.* One of the Dutch ambassadors told me, 'That the Dutch would pawn their shirts to go on with the war.' I am not for going back therefore. Certainly it is natural for you to consider from whence the ill government came, and to prevent it for the future; and, I hope, we may raise the English nation, and the reputation of it, again. If there be ill management, it must be from those in employment. Either they must manage no more, and you must apply to the king to take care of it, or take care of it yourselves, by [illegible] tion is, to consider and report what is the oc[illegible]

[illegible] Fleet.]

Sir Robert Napier gave the house an Account of a Letter he had received.*

Mr. *Hampden*, sen. This information is not impossible, in nature, to be true, but morally impossible. I cannot believe so much barba[illegible] Nation.

Sir *W. Leveson Gower.* I would examine these men that gave this information; if they abuse the house, [illegible].

Sir *Tho. Lee.* It is for your service, very much, [illegible] studiously raised; if they prove true, those [illegible] punishment. But I take not the Committee of the whole house to have power to send persons, papers, and records. I do not remember that a grand committee, without power from the house, has sent for persons, papers, and records, in all my observation. I would [illegible] Speaker [illegible].

Mr. *Foley.* As yet this is but hear say, but a Committee may enquire into it. The Vic[illegible] Ships was [illegible] that sent afterwards, though some laughed at [illegible] ately. I believe there is something in this, and it ought to be examined; and I desire [illegible].

Col. *Granville.* The Beer, on board the Ships, proved very ill, and, upon enquiry, it [illegible] 'If it was what used to be beer, if it was boiled, it would come to itself again, and turn into beer;' and it was so, but still stunk, and [illegible].

Sir *Peter Colleton.* I hope you will do something in this matter. One ship came into Torbay, out of the Indies; as soon as they [illegible] men fell sick. I am fully convinced that your [illegible] next year.

[illegible]

[illegible] tuals came I cannot tell, for the Fleet had it [illegible] every place, [illegible] let them [illegible] answer [illegible].

Mr. [illegible] John Parsons, sir Rd. Haddock, alderman Stuart, and Mr. Nicholas Fenn. It is not necessary for me to premise that I am no advocate for these Victuallers. I believe the Fleet is as ill victualled as if our enemies had done it; there are several ships now ready to go out, some are fully victualled, and some not; they have received money for that service, and a must be done [illegible] [illegible] [illegible] till they have account of the Stores that are left. There are orders that their Accounts be given up, and the keys and Stores delivered in; if you send for all these Victuallers in custody, all this service must now stand still.

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* This Letter was from Plymouth, to one Rice, from his son there, giving an account of great [illegible] discovered in the victuals [illegible] beer provided for the Fleet lying there, and ready to go forth. At which said Rice, being called in to the bar, to own the said Letter, owned the receipt of it [illegible]. Several members likewise attested the same, &c. See the Journal.

Mr. *Coningsby.* You are told that lord Berkeley's squadron is ready to go for the East Indies; would you have them destroyed as the [illegible] have than what you have heard? I would send for them in custody.

Mr. *Papillon.* Not above a week ago I was sent for to the king to accept of this employment of Victualler of the Navy. I told the king, 'This affair had been neglected three [illegible] that I durst not undertake it; therefore it was my humble request I might not be one of them.' But the king said, 'He would not excuse me.' I can but say I can do no more than I can; but this will be taken for a great discouragement, to be brought into custody, before particularly charged; for men may put tricks upon [illegible]

Col. *Granville.* The complaint is so general, and the seamen so cast down, that, if you [illegible] I would have them sent for in custody, to give [illegible]

Sir *Robert Rich.* If I know who put king James's Victuallers into office, I would send for [illegible] take arsenick of a brewer that would poison his family? Send for them in custody, and then enough will come in to inform you farther.

Sir *Tho. Lee.* I think it necessary to give [illegible] and that king James's officers do now victual the Fleet.' The matter is this; they have [illegible] thought of, and how late we came into the employment; before new men could be put in, [illegible] would be no Fleet; so that had you then [illegible] but as these are not to be made at all times, when the Fleet is pretty full of victuals [illegible] or else all must stand still. If you send for these in custody, none will undertake it.

Col. *Austen.* I have heard it said, 'There is a necessity to take men into employment [illegible] ther will you go next? Whatever you do with [illegible] I hope you will take honest men in their stead.

Mr. *Fox.* I shall not be an advocate for these Victuallers. I am concerned only for one of them, sir Rd. Haddock. I will answer for his security; he will not run away. He gave Mr. Fenn 1700*l.* for that place.

Mr. *Papillon.* You have had sufficient se- [illegible]

[illegible] I shall be very tender in sending for men in custody. But as the nature of the question [illegible] ill usage you can do no less than send for them. I was in hopes, when *Lee* stood up, that he would have told you 'That there could not be such miscarriage in the Navy, and he, of the [illegible] have prevented it.' But, I find, the Admiralty know as little of this as they know of the stations of the Convoys. Had they looked over the Journals of their office, they could not have been ignorant of this; but I fear the commis- [illegible]

Sir *John Guise.* I am against names in particular. I would rather send for them in gross. [illegible] provisions were amiss. I would at them all till they can clear themselves.

Sir *Henry Capel.* When I heard Parsons named one of the Victuallers, I was amazed; [illegible] a good protestant. He has an office in the [illegible] tractor, therefore put not him among the Brewers and Victuallers. I would be tender [illegible] a squadron at sea.

Sir *Christ. Musgrave.* I shall say nothing to the debate, but to preserve orders. When it is a complicated question then by order, you [illegible] then you are to put them one by one. It was [illegible] ties. Will you lump such a question as this?

Sir *Wm. Williams.* Will you put the ques- [illegible] person. This charge I took to be a joint-charge, a breach of public trust; it arises out [illegible] nor convict them, but to bring them to farther [illegible]

Sir *Henry Johnson.* I believe the Navy will [illegible]

[illegible]

ance. He was against the Dispensing Power, and was [illegible].

Divers gentlemen offered Security for him, and [illegible].

Sir *Edw. Seymour.* You are on the question of sending for Haddock in custody. If any one of these comes before you with a title to recommend him to your favour, it is Haddock; yet I am for sending for him in custody. You are not now enquiring into men's merit, but into fact. He is Comptroller of the Navy, as well as Commissioner and Victualler, and can give you the best Account. But I observe, it is unusual for these offices to be in one person I would send for him in custody.

Col. *Austen.* I cannot but believe him to be a person as worthy as he is named to be; if you cannot distinguish him here, you must send for him in custody.

Mr. *Hawles.* If you cannot distinguish him in guilt, I would distinguish him in punishment. I find no evidence against him; but a very ill thing has been done; here are ill things done, who did it? We do not know. No person that did ill in the other government can be fit to be in this. Ill things have been fully proved against Parsons, and it was ill done, after notice of this, to keep him still in employment. I move to have Haddock sent for in custody, for you cannot distinguish.

Sir *Wm. Leveson Gower.* Perhaps sending for him in custody may be a favour, when you discharge him without his fees, and perhaps [illegible].

Mr. *Cha. Montagu.* I have a fair opinion of Haddock, but I think it injustice not to send for him. You send for him as a Victualler of the Navy, but not as a criminal. I offer what I wish may be done; that, though your Vote be to send for him in custody, he may be sent for till farther order.

Mr. *Boscawen.* I would do what in prudence may be done; instead of sending for him in custody, to summon him to appear.

Sir *Tho. Littleton.* I believe the great character of this man is deserved. I think, equality of justice is more in your consideration than any thing else. All the Victuallers are jointly accused, and he not in particular.

Mr. *Hampden*, jun. If you summon Haddock, it will be more for your service, and you [illegible].

Resolved, "That sir John Parsons, sir Rd. Haddock, alderman Sturt, and Mr. Nicholas Fenn, Victuallers of the Navy, be sent for in custody of the serjeant."

Debate on Mr. Waller's Account of the State of the Army in Ireland.] Nov. 26. Mr. Waller, who came lately from Ireland, gave an Account, at the bar, of the State of the Army in Ireland, [illegible] affairs there, [illegible].

Sir *Tho. Clarges.* This gentleman favoured me with a visit, and then said something more particular. He said, 'When he went first over, it was ten days before Londonderry was relieved. There were [illegible],000 Irish before it defeated, and the general taken prisoner; they were in such great [illegible], they did not stay, [illegible]. He was [illegible] we might march to Dublin to possess it. At Chester they left all their baggage-horses; the general wondered they came not; from which a great part of the misfortune came. When he came back to Chester, he asked, 'Why the horses staid so late?' They told him, 'It was for the best profit [illegible] could make [illegible] them to graze.' As for the sickness, it was wholly amongst the English foot. One regiment lay amongst the Dutch in their huts; their officers looked upon their soldiers as their children, and would see them make their huts, pave them, and lay fresh straw; in the whole Dutch camp scarce two died.' By what I apprehend from the discourse of this gentleman, [illegible] officers. There was great defect of clothes; all that were well cloathed were in health.

Col. *Birch.* I find this person has taken exact notice of things, and, I believe, can give you a farther account. I would know, at what set time the Soldiers are paid, whether weekly or monthly; whether paid upon muster, or [illegible]?

Mr. *Garroway.* I desire you would ask, when they were mustered? When they were paid? What money, and at what rates?

Sir *Thomas Clarges.* This gentleman was a volunteer; he had no pay. He says, 'A piece of eight of 4s. 4d. was paid them at 4s. 9d. Guineas here at 1l. 1s. 6d. there at 1l. 3s.'

Mr. *Hampden.* It was thought the best way for the King to take out the money rather there, dollars; and it was ordered to go at the current price of the land. Perhaps more than money did not go so high as it doth; and what was over went to the King's profit.

Sir *Christ. Musgrave.* This gentleman gave you an account 'That he was at Chester, when the duke of Schomberg went over into Ireland.' I would ask him this question, Of what number every regiment did consist, horse, foot, and dragoons, when mustered at Chester; and when they arrived in Ireland, what number they were there? I would know what service the ships at High-lake were designed for, whether artillery, or baggage-horses? And why they were not shipped with the Army, how they came and how long after?

Mr. *Waller*, being called in, said,—"The foot were paid every day; the horse once a month, with deduction for cloaths. Since the sickness, they muster often, once a fortnight. They are are paid in pieces of eight at 4s. 9d. guineas at 1l. 6s. They had their provisions of straw and corn where they were, but, in their winter-quarters, straw and oats, but no hay: the last three weeks the horses were at [illegible] and oats in the field; the horse were at grass the 10th of Nov. For surgeons and medicines, I have heard they were very ill provided. I saw none of them, and I have heard they had little, or none. It was reported they had 17[illegible]l. worth of medicines, but I know not where they were [illegible] men; in great coats over their close-coats; of [illegible] was little mortality among the horse; I attribute [illegible] moist, and extraordinary wet weather. I was in a house at Dundalk, and followed duke [illegible] me. I was told they mustered 7 or 800 in a regiment; they shewed very full. Duke Schom[illegible] horse. The horse dropped in as they could. [illegible] serters; but few on either side. No action passed whilst we lay, but skirmishes with the [illegible] with shoes. Some came late; they were not [illegible]

[illegible] the Nation.] The house then went into a grand committee, on the State of the Nation. Mr. Grey in the chair.

Col. *Sackville.* We have raised a great deal [illegible] we encourage our enemies, instead of defending [illegible] his coffers of Money. Whilst we look after punishing others, our own will come upon ourselves. I will offer no methods, but what are [illegible] of the government. Several things have been moved, and nothing yet concluded. Consider the State of the Army, till you have made an actual Settlement of the Land Army, the Sea [illegible] tion, he set fire to his ships. I move, That you will pass a Vote to take into consideration the [illegible] Army, then the Navy to have a certain Settlement; and then send men to oversee.

Sir *William Leveson Gower.* I would know, from these gentlemen concerned in the house, [illegible]

Sir *Henry Goodrick.* The Office of Ord[illegible] his experience dictated to him. As for buying [illegible] duly paid, and I hope, well employed. There [illegible] be enquired into, that I shall, if you please, read his letter to that purpose. 'Nov. 15. I have dispatched warrants. 'I am glad the parliament is so unanimous to 'vote for the Navy. There were great abuses 'in the embarkation of the forces for Ireland. 'To answer that of the baggage horses, they 'were ready at Chester.'

Sir *Henry Capel.* To inform against a person I shall be tender, and I am not capable of it; but I think it fit to enquire into the bot[illegible] Chester, but let out to hire. The Treasury had nothing to do, but to obey orders issued [illegible]

[illegible] and were commissioners of the Army. Our [illegible] Nation, all full of Miscarriages. I have lived many years, and in several forms of government; I hope I shall see no more changes: I [illegible] lost a million by France at sea, and almost a kingdom for want of Supplies, if report be true. [illegible] had in Jan. last for asking for. Mr. Waller [illegible] the honour of the government; and as for the officers, they are worthy gentlemen, but those [illegible] of experience should be added. Perhaps, if [illegible] have experience of fresh news of the ill success [illegible] actual executive power in that affair, and in [illegible] several offices, but may have power to use the Treasury to issue out money as occasion requires. We have heard of armies, and gar[illegible] Upon the whole, I would make an humble Re[illegible]

It was a wonder to me at first that Shales* was employed; that no man should be employed, [illegible] and now all this must be put [illegible] the [illegible], and we must [illegible] mer, at this rate. I would address the king, &c.

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* Shales had been Purveyor to king James's [illegible]

Mr. *Smith.* In plain English, knaves and [illegible] are employed, and those who would not give their consent to take away the penal laws and Test could not get into their places, and others that did are got in. I would desire the king (in our Address) to tell us, who were the [illegible]. As long as you have the same councils, you will have the same things done.

Sir *Henry Capel.* I cannot tell how these comptrollers were sent into Ireland; but, I believe, since Shales came away, [illegible] king James's and Charles's time in employment are removed.

Sir *John Thompson.* One thing gives me comfort, that you have it manifest before you, that there is treachery. The generosity of king Ch. 2 [illegible] spent so much money was [illegible] security of the nation; but in time of war the nation cannot bear it. I am against the motion for an Address to the king, &c. You are told of Councils, but you forget the [illegible]. You have been told it came from higher powers. You made an address for a lady of quality to be sent into France [illegible]. Is she gone yet? I know not the reason. The king must know the sense of the house, let counsellors say what they please. I would address the king to know who advised him to employ this person, Shales.

Sir *Christ. Musgrave.* You are not ripe for a question; you have not matter enough to ground such an Address. I think, before you proceed to that, you should know to whom Shales is accountable. If these Miscarriages are of so great a date as August last, you must know why this was never examined nor punished. It must rest upon these persons whom the king has intrusted. If this house examine all Miscarriages, you must be a perpetual parliament. I know, Shales's employment is Commissary of the Stores; certainly some persons are superintendents. When you know that, I think the committee will ask some questions; till then, I would not address the king.

Mr. *Garroway.* I question whether our pressures will admit those ceremonies in gradations. Certainly there are great Miscarriages. Perhaps he was recommended by such a man, as [illegible] not. I never heard Shales named for good in my life. I have heard that he has sent over his [illegible] ships that should have transported the horse. I know not how you will examine him, unless you will send for him over. I think it no injustice to take such a man out of employment [illegible].

Sir *Rob. Howard.* I have great hopes that we [illegible] your [illegible] service. [illegible] great Miscarriages. I never heard a man speak well of Shales, nor do I believe I ever shall. He was very gracious with king James, and I am sorry he is employed by king William. [illegible] the Provisions. I am plainly for members of this house to go [illegible] nation; that Shales may be secured there; and [illegible] Schomberg [illegible] Shales's [illegible]. You will then have a just Account of it, and I move for an Address of this nature.

Col. *Birch.* I am pretty well encouraged this day. If ever you have the war carried on with honour and success, you must hang this man. As for displacing him, that is a minute thing with me. If he be a commissary, it is a great employment, and [illegible] all this. The space betwixt the regiments arrival in Ireland was six months. But I would fain have the life of the business looked into. Whoever put this man into this trust [illegible] to king James, and not to king William. I would address the king to see his commission, and [illegible] for this [illegible] by the same hands [illegible] you have had all this ill success. Find the source, and I doubt not but the king will tell you.

Sir *Henry Goodrick.* You have had informations, of several sorts, that the duke of Schomberg is [illegible] with [illegible] about him. If the duke thought the Army could be supplied by breaking this man, before the Army came into winter quarters, he would have done it. His title is 'Commissary General of all the Provisions.' [illegible] before the Army were in winter quarters (I intend to look farther,) the duke will do as a loyal and wise man; but since the matter was unsafe to be stirred in before now, I hope it will not reflect on the duke. I agree to an Address, as moved; and, 'That Shales having been employed, those who recommended him have been rather friends to king James than to king William.'

Sir *Rob. Howard.* You are moved to know of the king who advised him to employ Shales, but take heed [illegible] a great deal of mischief, if you delay here, and let him go over to king James. [illegible] king James.

[illegible] I would know a reason, why on suspicion he was [illegible]. We must [illegible] Committee for the Affairs of Ireland. I would [illegible] some other committee for Ireland.

Mr. *Garroway.* You were told, 'That he was suspected to go over to king James, when he was in Ireland last.' Do you think he can be safe there? He has done a great deal already. He knows all the secrets of the Army;

a hundred things that no man can foresee; as where a garrison is that wants victuals, &c. I would not have a perplexed question, but still I [illegible] should be employed, and I would address the king that the duke take him into custody.

Col. *Birch.* I am for hastening the question, and making it effectual immediately. I would wait on the king, and that will do it.

Mr. *Garroway.* I would leave it to the duke to put in another person. If he be recommended from hence, I look for as bad a [illegible] We [illegible] the Great [illegible] I think it is no intrenchment on the king's prerogative, why the king may not take the Advice [illegible] as well as of [illegible] ministers.

Sir *Henry Capel.* I agree that this is the Great Council, and are the best counsellors. [illegible] to order him to present a person for this place. If you address that the duke name a person, I appeal, whether the duke will do it without the king?

Sir *Wm. Williams.* If the duke nominate a [illegible] king can spare. It must be done presently.

[illegible] The general is a check upon the commissary; he must be responsible for his commissary; that is, that you will not put upon him.

The Earl of *Ranelagh.* I spoke yesterday with col. Lumley, who says, 'that Shales is in [illegible] able and honest men, Robinson and Fielding.'

Mr. *Hampden.* Fielding is in Scotland, and [illegible] in Ireland, but [illegible] to act.

Mr. *Garroway.* I think your Vote will not [illegible] perfect effect, unless you address the king to remove the advisers of putting Shales into [illegible]

Resolved, by the Committee, 1. "That the [illegible] an humble Address be made to his majesty, That Mr. John Shales, [illegible] of the Prov[illegible], be forthwith taken into custody; and all his Accounts, Papers, and Stores secured: and that a fit person, or persons, be put into his place: and that his majesty will be pleased to im[illegible] second a debate arising, the question for ad[illegible] was carried in the affirmative, [illegible] to 80

Nov. 27. The debate on commissary Shales [illegible]

Sir *Tho. Littleton.* I was, last night, for [illegible]

but that was not thought proper, and in hopes [illegible] 'That those persons were enemies to their king [illegible] son and councils for ever.' I do not remem[illegible] great hardship upon him. I would rather mark such men out, and, I believe, the conse[illegible] any Answer at all, it would look like distrust. What effect can you have? The king will re[illegible] consequence.

Sir *Wm L. Gower.* I am for going none of these ways: I think we are out of the way. I think what we are about is as much as to say, the king shall be an informer to this house. [illegible] tell you more (lord Castleton.) I would have [illegible]

Lord *Castleton.* It was a vulgar report that Shales bought his place. I said, 'I believed Shales was no friend to king James, nor king William, but to himself.'

Mr. *Hawles.* I am for the Address. We must make use of extraordinary means. If, by a precedent, we must find out unprece[illegible] ployment. The king is a stranger to us. Coun[illegible] in the dark, [illegible] to discover him and other persons. The first [illegible] man who recommended him is not fit to be in employment.

Col. *Austen.* I am as unwilling to propose [illegible] how to let him go. You only desire to know [illegible]

Sir *Rob. Cotton.* If the king nominates who [illegible] to proceed. Though the king be a stranger to [illegible] cannot do it decently. But the king may re[illegible] sufficient.

Mr. Solicitor *Somers.* 'We do nothing if [illegible] a question he asked a private gentleman, 'Who gave you that advice?' It is not proper for him to answer. But if he advises him to [illegible] by [illegible] If you make an Address [illegible] to desire the king [illegible] will have great weight in it with the king. This is a kind of last remedy; a thing never put upon the king before, and a hardship! Do not you give great ad[illegible] to tell him, 'That the commons go beyond the bounds of his dignity,' and give occasion to protect those persons? Admit the king should grant [illegible] counsels. Your ends may be answered [illegible] address 'That the persons who gave this Advice may be removed.'

Sir *Joseph Tredenham.* We are told by every body that the king and we are upon one bottom; if so, there is no necessity to go upon this extraordinary course, but upon what we may, with confidence, assure ourselves of success in. I wish our condition were better, but is there no way to arrive at our end but by unbeaten paths, which our ancestors never found their end in? What effect can you propose to yourselves in this, by the king's Answer? Nobody can think there is a ground of an Impeachment, or Bill of Attainder. If he is guilty of other errors than this, you may reach him without this Address. I see no convenience, but many disadvantages, by it.

Sir *John Lowther.* I am one of those that agree with the committee; but to hang Shales, and to have all those punished that recommended him to the king, some men think a hardship put upon the king, and some not. I have delivered my opinion, to avoid the appearance of such a rock as hardship, by all possible means to prevent the least appearance of a misunderstanding with the king. Possibly the king may be mistaken in men and recommendations. Surely, the second time, he will be cautious what he does against the opinion of his Great Council, and better avoid this rock.

Sir *Rob. Howard.* All agree to the same thing in the main, but differ in the method. I have rather been too warm upon persons formerly; and, I say plainly, the way we are in, is, in effect, what you owe yourselves, and the nation. A question bluntly put, 'Who did such a thing?' Consider, whether in desiring the thing, something of your own reasons of dissatisfaction should not appear. This seems a hasty step. If you desire, in the same Address, to know the person, or persons, who advised, and say 'you live under dissatisfaction from men that advise this, as the interest of king James,' supported, perhaps, with reasons, it would come in a more proper way, and without a blunt question. But, 'that in the mean time, you have no great opinion of your condition whilst king James's friends are employed;' then it will come with more respect to the person you address to.

Mr. *Palmes.* I presume, adjourning the debate was intended for gentlemen to recollect some other way, and I hoped some gentlemen would have it to lead you off from this called 'hardship on the king.' I would know whether Shales has a Commission under the great or privy seal, or by a bare Letter from the king. This may lead us to the knowledge of [illegible] way to screen this off from the king. We are upon this point singly, either to put a hardship upon the king, or betray the trust of the [illegible] It [illegible] I must join for the question.

Sir *Tho. Littleton.* Put the previous question first; if it be carried, the house will be [illegible] the main question afterwards [illegible] the [illegible] house.

Sir *Tho. Mompesson.* It is not usual to put a previous question for agreeing with the com[illegible]

Mr. *Coningsby.* At the Committee of Religion in king James's parliament, a report was made of an Address, and, upon [illegible] debate, the previous question was put, 'Whether the words 'Protestant Religion' should stand, &c.' and passed in the negative. Judge the consequence.

Sir *Tho. Lee.* It is a great mistake, that the previous question, if asked, must necessarily be put, neither at the time of the report, for you may do it all at one time, and at another. There may be reason not to put it now, and yet it may come to it hereafter. This matter is now under the king's examination; let him have the honour of it: he expects letters out of Ireland.

Sir *Wm. Williams.* It is a monstrous thing to be upon your Books in king James's parliament, 'Whether the words 'Protestant Religion' should stand in the Address.' You are now upon a single head, Whether this is proper for an Address now? Therefore, I think, you should put the previous question.

The previous question for agreeing with the Committee was carried 188 to 142; and the main question then passed, 195 to 146.

Sir *Rowland Gwynn.* It is apparent we are on the brink of ruin. I am not against presenting the Address, in the words of the Vote [illegible] 'by the [illegible],' but those [illegible] the king may have ill reflections upon [illegible] If you had taken more care in Messages, we might have fared better in Answers, the care of Religion, the Laws and the Government, by those about him.

Mr. *Hampden.* Something to the last business.—As I understand, something was said against privy-counsellors presenting [illegible] Address to the king, 'that they had represented things so hardly to the king.' I would have Gwynn explain. I appeal to the king how we have misrepresented things.

Sir *Tho. Mompesson.* What he said was [illegible] with reflection upon privy-counsellors, but upon what was said here.

Mr. *Howe.* As near as I can recollect the words, they were, 'That the privy-counsellors had spoken hardly of the Address here [illegible] had reason to believe they would do so to the king.'

Sir *John Lowther.* I would not misrepresent [illegible] on the other side. I hope [illegible] serve [illegible] at the Board, will serve this house with their lives and fortunes. He said, 'He desired that the privy-counsellors should not present this Address; they who had spoken so hardly of it here, would not favour it there.' I am not so fond of my own opinion, as not only to relinquish it, but obey your contrary opinion [illegible] sense. I would not only relinquish the service of the Council, but retire, if you think not well of me.

Sir *Henry Capel.* I will put that gentleman at ease presently. There shall be no misrepresentation from me. Witnesses do know the rule they go by. Whoever is of the parliament, and near the person of the king, represent [illegible] all tenderness, and put the best [illegible] of things from hence to the king. I hope [illegible] be the rule of every man, and shall be mine whilst I live.

Col. *Austen.* Heat never does business well. Let a man's sense be what it will, he ought to deliver it as the sense of the house, and not his own. Go unanimously to the king, and let this debate fall.

Sir *Francis Blake.* A privy-counsellor told us, 'That what the king said in his closet, was sent to king James in brandy-bottles.' You ought to examine those who manage affairs, and are near business. I name Mr. [illegible]wayte.

This debate went off, and a Committee was appointed to prepare the Address.

Major Wildman acquainted the house, That his majesty, having been attended with their Address for securing Commissary Shales, and his Accounts and Papers, was pleased to give this answer: "That he had some time since [illegible] thereof, being informed of the said capt. Shales's Misdemeanors in his employment; [illegible] written to duke Schonberg for that [illegible]." And that his majesty was pleased [illegible]er to add, "That he verily believed, what [illegible] desired was already effectually done, [illegible], the wind being contrary, he had not [illegible] received any account thereof from Ire[illegible]

Nov. 28. Capt. Churchill, in a Petition, acknowledged his Offence; and prayed to be [illegible] the favour of the house, and to be [illegible] from the Tower, which was granted.

Debate on a Clause in the Bill of Indemnity.] Nov. 29. Sir *Tho. Clarges.* I ask your pardon if I speak against the liberty of the subject. I have contributed to this Revolution, [illegible] I sent my son to the [illegible] at [illegible] expence. [illegible]e who sue for horses and arms taken [illegible] to law. I discommend much their malice; but, upon pretence of service to the prince of O[illegible] but name no persons. But actions, in the [illegible] Act of Indemnity, were discharged. I [illegible]

Sir *Henry Capel.* I cannot blame any man for seeking for right, when wrong has been done him. I am for the question. I take it [illegible] great imprudence, boldness, and insolence against the present government, now the [illegible] of Commons is sitting, and asking an Act of Indemnity, whilst this is depending, for men to bring actions, &c. I fear there are some ill spirits that countenance one another to do mischief. Since such a motion is made, I would not let it fall flat. I remember not such an [illegible] formerly, when Ch. 2. was restored; why should they not have the same respect to this parliament, as to others? We shall have them dispute the Militia, and dispute the Law, and have the frame of government torn in pieces. We have enemies abroad and at home, and I hope you will put the question.

Sir *Tho. Lee.* I am sorry, and suspect myself, when I differ from a friend. The rights of the people, and the guardianship of the Indemnity is in king, lords, and commons; not in this house alone. When men see actions at law fruitless, they will not spend their money. Direct a Bill to be brought in, and that is better than a Vote. The rights of parliament are [illegible]. Pray let us take no more jurisdiction upon us than our ancestors.

Mr. *Howe.* It seems strange to me, that those who have broken all your laws, and subverted religion in the Ecclesiastical Commission, should be on an equal foot. What has this king taken out from the Commons? If they be pardoned here for what they have done, I believe they will not be pardoned in another world. The law and the sword grew famous in the West, and I heard not of any body in king James's government that stood up for an Act of Oblivion; and now to be placed amongst those men,—I know not what to trust to. Let us rather try it again.

Mr. *Hampden.* I am against the question. Suppose you had one of these actions at the bar, and you ask him, 'Why he brought this action?' It may be a robbery. These inconveniences will happen in Revolutions; therefore I am not for a question.

Sir *Edw. Seymour.* I shall give you but short trouble. The merits of the question have debated it out of doors. The debate came on irregularly, and slipped itself in. Put the question, 'Whether the house shall proceed to the order of the day.'"

Ordered, "That a Bill be brought in to in[illegible] or the safety of the government."

[Address against Commissary Shales.] Mr. Dolben reported the Address to his majesty against Commissary Shales, viz.:

"We your majesty's [illegible] filled with the deepest and most sincere [illegible] tion to your majesty's royal person, and [illegible] majesty's and your people's safety, and the honour of your government, [illegible] extreme dangers, we cannot [illegible] your majesty's [illegible] to be [illegible], by the employment of persons in the greatest trust, who are so far from being faithful to your majesty's and your people's interest, that they have corruptly and treacherously endeavoured the destruction of both: especially Mr. John Shales, who was made Commissary-General of the Provisions [illegible] your majesty's [illegible] in Ireland, notwithstanding he was notoriously known to be popishly affected, and to have served the late king James as his commissary. The mischiefs which have happened by the employment of this man are very great; and of such a nature, as, without God's infinite mercy to your majesty and this nation, might intirely have defeated their majesties good intentions, and the effect of the Resolutions of this house, in order to the reducing of Ireland to its obedience to your majesty. In particular, when the experienced general duke Schomberg went, by your majesty's command, into Ireland; he left strict orders for the speedy transporting the Ordnance and Horse, designed for the service of that kingdom; and it pleased God to bless his first attempts to that degree, that, if the said orders had been executed, your majesty's Army in Ireland had been in a much better posture than now they are. But the said Commissary Shales, partly to satisfy his own covetousness, and partly out of disaffection to your majesty's service, did delay the execution of the said Orders for several weeks; by reason whereof your majesty's Forces were not only disabled for pursuing the advantage they had gained upon the enemy, but were also necessitated to encamp at Dundalk; which occasioned the loss of some thousands of your majesty's subjects. Wherefore we &c. do most humbly desire that your majesty would be graciously pleased to [illegible] this [illegible] said [illegible] that we may be better enabled to offer to your majesty such humble advice, as may tend to the [illegible] of your majesty's [illegible] government."

Debate thereon.] Mr. *Howe.* I doubt you cannot make this a good Address, or ever have good effect of it. If it must go, there is a word in it I would have good English; viz. 'by the Employment of Mr. Shales.' I would have it, 'Employ of Mr. Shales.'

Mr. *Hampden*, jun. I think myself obliged [illegible] I had rather not have been of the committee, and not have had a hand in drawing it. No[illegible] consent [illegible], but [illegible] king [illegible] about going to the [illegible] Orange, [illegible] answered, when the danger was over. Nations were not made for kings, but kings for nations; and nations not by kings, but kings by nations. I take [illegible] perty: yet the Judges declared, 'That the laws were the king's laws, and the k[illegible] of the necessity of the government.' This will [illegible] the king as [illegible] the [illegible] your address you desire, 'That duke Schomberg should name a person fit for Shales's Employment.' He was [illegible] have skill in military affairs, and yet complained, 'That he could not put in a cornet.' If there be such men about the king, it is not safe, and to no end to give Money. I would remove them.

Sir [illegible] It is [illegible] parliamentary [illegible] the Address [illegible], paragraph by paragraph. You have been told, 'That Shales is [illegible] only man you are to remove, but in all places and offices.' Possibly, instead of making this singular, there is not only Shales, but all other people to be removed as well as Shales. It is what you must do one time or other. If there is any man here that does not wish for this, I shall [illegible] to the king [illegible]

Mr. Comptroller *Wharton.* I was not for this Address. I think, a good use may be made of what Guise has said. I wish this Address was laid aside; it is too narrow only for an inconsiderable fellow, a creeping worm. I could wish all were laid aside that can be found out. If the Address be laid aside, or recommitted, you may have fruit of it.

Mr. *Howe.* I am never moved by fears, or hopes, to do contrary to the interest of my country. I thought there would be no good effect of this Address, therefore I was against it. These persons are near enough to the king to know, that this Shales is contrary to the interest of the nation to be employed any more. Many near the king thought it not for his interest to employ him. I wonder not that all honest men are not employed; they must have their tongues oiled and knees greased. I would [illegible] name them, one by one, and I shall give my [illegible] [It was cried out, "Name them,"] If I do, you will [illegible] them, [illegible] I would recommend some marks for the king [illegible] this Address.

Col. *Birch.* I thought this Address was a plaister too narrow for the sore, but I submit always. Now, pray make the best of what is before you. It is thought 'this of Shales is too little a thing to lay so great a weight upon.' [illegible] Address [illegible] man, of great inconvenience, and 'that we [illegible] persons [illegible] put into employment.' I think it absolutely necessary, that all [illegible] a good correspondence betwixt the king and his people. I confess, from the experience I have had, nothing is more mischievous than [illegible] not to be well received by him: insomuch, that, formerly, a person not liked by the parliament [illegible] I have not the same advantage of speaking as other gentlemen, but you know my meaning. [illegible] taken in time are easily understood, and all is well when once those about the king represent them well. They may scramble for Mo- [illegible] has been done formerly; but as for your Address, I would not lay it aside, but that half a [illegible] not this little thing of Shales's too great a solemnity; but I would lay before the king the [illegible] would do nothing, it looks as if those about him [illegible] to cure it. Unless Miscarriages be represented by land and sea, nothing, no, nothing, can cure it. Let, then, some gentlemen (not to come to [illegible] I move for the Address.

Serjeant *Maynard.* That there are more than a Shales in this I doubt not, both a great and a tall man. But I am for going on upon [illegible] he will go into the herd. They that besiege [illegible] would break a faggot, break the sticks one by one; when a kingdom, nay, a king, is like to [illegible] Address is presented, the king cannot but think it reasonable; a person that has so no- [illegible] You have only Shales now; much more may be added hereafter. In the mean time go on [illegible] know not whom? When Shales is gone, it may be another in his place as bad as he: there- [illegible]

Mr. *Foley.* It is said, 'Shales is a little [illegible] commended him. To say, 'We should stay [illegible] monstrance of them together,' that is much harder. I am dissatisfied to stay till all Grievances are enumerated; at that rate, we can [illegible] undone, till the king and we be all on a bottom.

Sir *Wm. L. Gower.* I am for taking out all [illegible] James's park. Since it must be a general Address, let it be a Remonstrance to take in every [illegible] mit this Address, and let none but a Protestant breed of deer be left, and recommit the Address upon the debate.

[illegible]

turn out the keeper too. (Said some, 'Does he [illegible]

Sir *Robert Rich.* You were told, 'You have sat several days upon the State of the [illegible]' if that be little, I know not what is greater. It is said, 'Shales is sent for out of Ireland.' [illegible] him into employment, you do nothing. A ge- [illegible] to commit the Address; in my opinion, that is to give it a decent interment. If the king [illegible] be plain with him

[illegible] and you know not by whom. I believe, that, at common law, the suggestion why a person [illegible] Ed. 3. c. 1. because the king granted many par- [illegible] *mero motu.* This could not be a ground unless with a *Non obstante.* But since this is not pursued, it is not an unusual thing to ask this question in the Address. I think it not a [illegible] him an ill man, is. It is said, 'We should not do what one gentleman would not do to ano- [illegible] Court-Leets they swear to discover all injuries [illegible] it is not civil for me to enquire who did it! Is this a way of arguing? Here is no hard- [illegible] it has been put upon Ed. 3. and Hen. 4. Those [illegible] make this king great in this.

[illegible] Grants. I would follow the method of our ancestors, *respondeat superior,* when under the conduct of another man. In an Army a general must find whom he employs, &c. I [illegible] Miscarriages.

Sir *Edw. Seymour.* I was one of those [illegible] solved, it is not to be laid aside by art. A man of art is so near a man of something else, that I desire not to be the man. Gentlemen say they would have it recommitted, but I hear [illegible] and that is, 'a decent interment,' as a gentleman called it. When we debate a thing over and over, I know not but that, instead of [illegible] &c. but it is an inexcusable levity to do all [illegible] this is against order. I would not, as has been moved, have the body of the house go with this Address; we can do no more when we present our Grievances. This is but a pimple, but a scab of your disease. That one person should draw a whole house, never— Reserve yourselves for a greater occasion. And as it is too little for you to present in a body, so it is too big for a particular person, as has been moved.

The Address was agreed to, and the Committee who prepared it, was ordered to present it.

The King's Message for a Commission to be sent into Ireland.] Nov. 30. Mr. Comptroller Wharton delivered the following Message from his majesty:

"W. R. His majesty, having already declared his resolutions to prosecute the War in Ireland with the utmost vigour, and being desirous to use the means that may be most satisfactory and effectual in order to it, is graciously pleased, that this house do recommend a number of persons, not exceeding seven, to be commissioned by his majesty to take care of the Provisions, and such other preparations as should be necessary for that service.—His majesty is farther pleased to let the house know, That upon consideration of the Address of Nov. 11, he gives them leave to nominate some persons to go over into Ireland, to take an Account of the number of the Army there, and the State and Condition of it; who shall receive his majesty's orders accordingly."

Col. *Austen.* If ever thanks were due, it is now. The king grants before you ask, or if you had asked, you could not have mended it yourselves. A man in his state without asking; This is of so great consequence, that I would give particular Thanks, and that very signally, by the whole house.

Sir *Rob. Howard.* The motion for the whole house to return the king Thanks, is very just and very seasonable; and I second it.—Ordered accordingly.

Debate on whether any Member should be put into the said Commission.] Dec. 2. Mr. *Sacheverell.* I desire you would consider the substance of the Message, and first know whether the house will order any Member to be put into the Commission. I speak not for myself; I have neither health nor reason to act in that honourable employment, that the king was pleased to put upon me. The thing is of mighty importance, and is it not too weighty to be put upon us? I speak truly, I thought it too weighty; impossible, very impossible, when we cannot know the state of things, and, by consequence, what is wanting to support Ireland. If those employed are not supplied, you will disgrace your members. Consider the disgrace to every member, and put him into such difficulties that he cannot extricate himself out of. I move, 'That no member of the house be named for this employment.'

Sir *Tho. Clarges.* By the king's Message it is not expected that members should be named, but it is recommended to you to nominate some persons to it. I am in the less able to bear this employment, by my age and infirmities. It is not decent nor proper for us to recommend ourselves, and it is impossible for men not exercised in so great affairs, in so short a time, the nature of Ireland considered. It was thought formerly that multiplicity of offices, as well as pensions, was inconvenient in a house. I thing it not fit that we recommend any of the house.

Mr. *Garroway.* Since this has been moved, I think it for your service to pass such a vote. It is said abroad, 'We have too many Officers already here,' and I would not take upon us to name any more; what employment we have had is enough. I would return Thanks to his majesty for his gracious favour, but this is too great for us. I speak for your honour; such a vote will be satisfactory without doors; and so leave it to the king.

Sir *Christ. Musgrave.* I think you will do great right to yourselves, to vote, 'That none of this house shall be nominated to this employment.' People do think we are labouring for places for ourselves. I think, if we can discharge what is before us, we are very happy. I would therefore vote, 'That none of the house shall be nominated.'

Sir *Tho. Littleton.* I think the sense of the house is, not to meddle with this employment. I think it improper to pass a Vote, 'That none of this house shall be named.' I think it better moved, if you throw the compliment into the king's hand again; 'That it is too weighty for us to meddle with;' and if you will not meddle with it, it is an improper question to put, 'That no persons of this house shall be nominated.'

Sir *W. Williams.* You have not only declared judgment on Shales, but you have addressed the king to know who advised him to employ him; but I doubt this will look abroad as if we find fault with all officers out of the house, and yet we will name none. Make a Vote not so much to satisfy yourselves as the world without doors.

Mr. *Howe.* I think you give the people occasion to say 'You do little but go backward and forward, in your Address about Shales.' I was against it. The king has very graciously gratified the house with a thing put into your hands for your advantage—and they get nothing by it; I am little concerned who are put into places, if for the public good. We are not asking the king questions, he cannot answer us. If persons be put in, &c. from place, we know not whom to ask questions.

Sir *John Thompson.* If the Miscarriages of Ireland be taken upon ourselves, I fear it will come to this, that if we recommend persons to take Shales's place, if no money be to act with, they can do no good. We may thank the king for what we do not accept of, and I move for a Vote.

Sir *John Lowther.* Some think the business too great for them, and it is for me to speak to. I would have this question with some explanation: 'That no member of the [illegible] ready, and of the Irish committee.' I desire this explanation, that it is your advice no [illegible] 'Perhaps there is no Money, and there may be Miscarriages, and a man will not take the [illegible] those difficulties, that they have not a greater load than they can bear.

Mr. *Foley.* I am for putting the question, 'That no member be employed, &c.' and it [illegible] tee I would not have nominated in the house. Though not fit for us to nominate; yet, as a [illegible] king with qualifications.

Mr. *Howe.* We are for removing persons, [illegible] to nominate [illegible].

Col. *Birch.* I have a place, and will keep it as long as I can, and shall give no man cause to complain, as I shall answer it at the great day; and in this matter, I take the words to be recommendation. I mistrust myself, and not them, &c. when I differ. The king does really [illegible] believe really, as things are managed, both at [illegible] see, Offices are pointed at. I never knew any thing got by such Offices, but paper, pen, and ink, and a room. If there had been Money stirring, I should have been smelling after it. [illegible] Army; that may be cured without sending into Ireland; but, for the latter part of the Message, [illegible] king, or some of his ministers, may sit in this [illegible] you please; but, as to the second part of the [illegible]

Sir *Henry Capel.* I am for this house to [illegible] riches, and the property of England is in the [illegible] estates, and great judgments; this will be the [illegible] said, 'It is not fit for us to recommend persons.' I am not read in records, but I have heard [illegible] the counties have gone by? Will you put a negative upon him? To vote, 'That the commons will not meddle with capt. Shales,' a bad man, what advantage will you have of a negative? Suppose the king chuse a man to-morrow, that is [illegible] son of this Office? I hope this will awaken per[illegible]

Sir *John Guise.* I hear it said, 'These are questions usually put;' but I believe that in all reigns the kings have not had such care of the government. I think this very extraordinary. The Message has two parts; recommending persons, and settling a Commission. I think, [illegible] says, 'I have been mistaken formerly; pray assist me.' If the house will do nothing in [illegible] say you are betrayed; will you not remedy it? I hope that being a member of this house [illegible] it into your hands to support yourselves, it looks like giving up the cause. Pray adjourn the debate.

[illegible] sons into Ireland; and upon this you raise a third, 'That you will recommend none of your Members;' [illegible] you unthank him again, and will not nominate. This raises a suspicion that, as soon as you [illegible] not behaved himself as he ought, and as for his place he would willingly resign to a person, to [illegible] ther. It is not proper to raise a negative upon a Message that gives you no occasion, and unthank the king again, and make no use of it at all. The consequence is, the king and the people [illegible] choice. Pray leave it to the king, free, without a Vote.

[illegible] The gentleman's [illegible] totally differs from the question propounded. [illegible] to bar the king at all, nor the house from examining the matter. The true single question is, 'Not to debar the king nor yourselves from examining the matter;' and pray put that question.

Sir *Christ. Musgrave.* The question is not, [illegible] Members. I would not adjourn the debate, and [illegible]

Mr. *Hampden.* This is a previous Vote that [illegible] selves. Your Vote will go abroad, and the [illegible] officers, nothing be done. This Vote is not in[illegible]

Sir *Rob. Howard.* You have voted the king Thanks [illegible]

Mr. Papillon. I hope too sudden a Vote will not [illegible] part of the Message. I offer to your consideration, whether there are not matters of greater weight before you, than to name persons for Provisions. This is a little thing in comparison of the great affair. I would adjourn the debate [illegible] of the whole Message.

Sir *Tho. Lee.* Though I have an Office, yet I think it my duty to serve my prince when I can. I know not but the king may trust me as well as my country. I am not for adjourning the debate, for the next question will be for excusing yourselves.

Col. *Austen.* I think we are going to make the king an ill return for his gracious Message. He desires your advice, and you complain that [illegible] the Great Council of the Nation; and now you will give him none. I would adjourn the debate.

Mr. [illegible] I have observed that some men have been put into office, and the [illegible] I think fit you should answer the king. I do not say all persons should be named in, or out of the house. If you pass a Vote not to recommend persons, you put a disgrace upon persons, as if they wanted integrity, or understanding, [illegible] Johnson, and no notice taken of him in the midst of Preferments. Shall we imply, by such a Vote, that there is no person in the house fit to be trusted? I am against it.

Col. *Birch.* I speak now for fear I shall speak no more. I was never in my life under such thoughts. Now, in great haste, we pass this question; and I think it not sense when it is passed [illegible] ing it out to the last. For my part, I think of none. Can there be a lighter way than this? [illegible] done, and it will lead you, I hope, into something better; I am sure it cannot be worse. On a sudden you say, you will recommend nobody, and they will say abroad, 'Things have [illegible] you wash your hands of it, and shake hands with the whole.' This cannot be taken well by [illegible] abroad. This requires an adjourned debate, and a consideration in this great cause two or three days; and I hope, [illegible]

Sir *Tho. Clarges.* I am for putting the question, for the reasons given against it. When you have done this, I hope you will wash your hands of the other too. This looks like taking the stone out of their foot, and putting it into [illegible] and there happen miscarriages, we shall make a faint prosecution of one another; and we shall have another advantage, to revive [illegible] that none accept of an office, as sheriff, or any employment, without the consent of [illegible] Attorney [illegible] making apologies for accepting their places till they have had your leave. In the late troubles, the parliament was involved in a great war with king Charles 1; then was made the Self-denying Ordinance, when they were brought low and worsted; they prospered upon it, and, I hope, so shall we, and I am not for adjourning the debate.

Mr. *Foley.* I wonder the house was so forward to give the king Thanks before in a Message [illegible] should be safe as long as persons are in council [illegible]

Sir *Christ. Musgrave.* Though I shall not recommend persons, yet I would give what advice we can for carrying on the War, but it [illegible] the abilities and qualities of persons. I move [illegible] jesty shall think fit.

The Commons [illegible] Resolutions:

"1. That this house doth not think to recommend any Member of this house to be employed in the Service of Ireland, for the purposes [illegible] gracious Message [illegible] Saturday last. 2. That this house doth humbly desire to be excused [illegible] any Persons to his majesty to be employed in the Service of Ireland; but humbly leave it to his majesty's great wisdom to nominate [illegible]"

Ordered, That Mr. Speaker do acquaint his majesty with the said Resolutions, when he presents the Thanks of the house to his majesty.

Dec. 3. The Speaker acquainted the house that he had attended his majesty with the Thanks of the house, and likewise acquainted his majesty with the said Resolutions; who was pleased to return his Answer to this effect:

"Gentlemen; I shall take all the care that may be, to carry on the War in Ireland with [illegible] Persons as [illegible] most proper for the service. and I doubt not but I shall have the assistance of the house of commons to carry it on in such a manner, as may be according to your desires and Instructions."

Dec. 5. The Commissioners of the [illegible] tualling in custody of the serjeant at arms, petitioned the house to be admitted to Bail: and the house dividing upon the question, it passed [illegible] Yeas 117. Noes [illegible] the following terms, viz. That each of them [illegible] penalty for [illegible] pearance, and find two sureties in 2500*l.* a piece [illegible]

[illegible]

Dec. 7. A Clause being reported from the [illegible] double Taxes on their subscribing a Declaration of Fidelity to their majesties; the house divided upon the question, and it passed in the [illegible]

Dec. 9. The blanks in the Land-Tax bill of [illegible] up with 400,000*l.* To be thus employed. For paying the Seamen, 200,000*l.* for providing Victuals, 100,000*l.* and for providing Stores, 100,000*l.*—The same day, a Clause was proposed to be added to the said Bill, to empower [illegible] person omitted or under-rated, to reassess them, [illegible] penalties as before provided; and the house dividing upon the question, it passed in the [illegible]

Debate on the State of the Nation, Dec. 11.

The house went into a grand committee, on the State of the Nation.

Mr. *Holt.* The honour and safety of the [illegible] recommended to your consideration. The present State of the Nation is a state of war; all conclude, that Money is the sinews of war; I fear there have been great embezzlements, and I hope you will enquire into it how it has been issued out. I have heard the Stores are empty, and I believe there is a great want of money, but I observe, there is catching at it. We [illegible] for nuts, some get three or four, and others none at all. If we appropriate this Money, it [illegible] we not enquire? You have been told by an [illegible]

Mr. *Foley.* You have ordered the committee, to day, 'to consider the State of the Nation.' I would enquire why Ireland was not relieved in proper time; it was a great mischief. There was a Fleet, and yet Ammu[illegible] of conveying relief to Londonderry; and all came to nothing, till almost all the people pe[illegible] those officers that took care of their soldi[illegible] voys for Merchants; they have done nothing to annoy our enemies, where to lay the blame, I cannot tell. As for the ministers, they have [illegible] France still. We are not now in an ordinary case. [illegible] the Protestant Religion, and all. I move, [illegible] naged more to the satisfaction of his people.'

Sir *Robert Rich.* What is said, gives me occasion to tell you something of my own knowledge. A captain who lived 20 or 30 [illegible] for the relief of it: they loaded him with meal; he sailed by our fleet, and was brought aboard to give an account why he did go by the fleet [illegible] the general; he said, 'he knew no general.' They caused him to lie there five weeks; he asked them the reason: they told him, 'There was a prodigious boom cross the River, choaked up with sunk vessels, and a battery on the [illegible]' He asked, 'Whether, in five weeks, any long-boat [illegible] who swam in, gave a dismal account of the [illegible] go up the River, and if he could not get up to [illegible] man of war, and two more, stopped short of the Fort; the meal-ship was before. When he was near, he dropped anchor. The anchor drew, and the tide carried the ship's stern athwart [illegible] no wind at all. I hear not of much punishing, nor much rewarding. This man has lain nine [illegible]

Mr. *Jephson.* I did pay this captain 300*l.* and more. I think this captain was one Douglas: I think this is the man.

Sir *Robert Rich.* This sum was paid him for the freight of his ship; but for his recompence not one groat.

Sir *John Guise.* I shall speak of one head most natural to this debate, and that is of 'Money said to be the nerves of war,' the disposal whereof for your safety is to the best advantage. I know not whether it be regular, in a committee, to mention it. Instead of Money [illegible] You must, to do this, state the Accounts of Money and Stores, when the prince of Orange came in, and then what is come in of that you granted, and how disposed of, and the [illegible] will do it.

Sir *John Thompson.* I take it for granted, that the Money you gave the last session has answered all the ends then proposed; and they [illegible] persons still are in council, who have formerly managed, when there was a great army to enslave us, I can never expect good from such men. I offer you, Whether 50,000 men is not enough?

Sir *Tho. Clarges.* As for Accounts, they are referred to a committee already. When that is received, you will know [illegible] has stand, from the [illegible] Treasury, to give an account. I hope there will be satisfactory [illegible] Cha. War, [illegible] part of [illegible] among the [illegible] Parliament [illegible] the prosecuting the [illegible] state [illegible] 'King James's [illegible]' His access [illegible] in the Majesty's [illegible] to [illegible], and [illegible] another way [illegible] Forces, [illegible] putting of [illegible] soldiers abroad [illegible]? [illegible] replied, 'His majesty was [illegible], when they have English to deal with, the [illegible] case, and then [illegible] end of [illegible].' What [illegible] we are under I cannot tell; what [illegible] the King has I cannot imagine; but we [illegible] our own [illegible] by our own countrymen. I move, 'That 100,000l. might be [illegible] to Ireland;' and that, I can [illegible] make appear, [illegible] the West of Ireland [illegible] but that is past [illegible]. The [illegible] six weeks [illegible] and [illegible] Corn for asking [illegible]. One Townsend, captain of a ship [illegible] was blown, by weather, into [illegible] Castle [illegible] and [illegible] ashore [illegible] after his Protestant [illegible], they told him, 'They were prisoners in the castle:' upon this they went, and [illegible] shot or two, the Irish [illegible] took the Castle, and [illegible] their friends. [illegible] what [illegible] 800 men? For, I am told, the commanders [illegible] not to set a man ashore. There is [illegible] a month, and [illegible] method was taken [illegible]. I know [illegible] weakness [illegible]. Formerly there were [illegible] companies [illegible] but [illegible] the use of [illegible] was, that men might [illegible] immediately for service, and [illegible] put the [illegible] business. As to [illegible], I know not what [illegible] we have [illegible]; but I am sure the King came to be the [illegible] of England [illegible]. When [illegible] things are [illegible] will [illegible] nothing. Some [illegible] scruple of conscience, have not taken the Oaths; they [illegible] murmur against the [illegible]. The [illegible] of men that [illegible] of the [illegible]. By [illegible] who takes [illegible] the [illegible] and Oaths [illegible]. The [illegible]. Having given my [illegible] state of the Nation, I move, 'That we may make a Representation of it to the King.'

Sir John Guise. I suppose this gentleman was [illegible] upon the [illegible], I [illegible] the Church [illegible] and [illegible] Dissenters [illegible] the [illegible] who is [illegible] that [illegible] let [illegible] go [illegible] to the [illegible].

Sir H[illegible]. I [illegible] a [illegible] that can be, I [illegible] I think, [illegible] you would do well to make [illegible] representation of it, to [illegible] the King as [illegible]. Your way [illegible] Prince of Orange's coming [illegible] tration of the government [illegible] see what [illegible] was [illegible] the [illegible] Stores. I would [illegible] to the bottom. [illegible] and discharge, that [illegible] satisfy [illegible].

Mr. Howe. I think [illegible] Nations, to throw [illegible] and [illegible]. The Church [illegible] have [illegible] themselves [illegible] pers, that I hope we shall [illegible] ourselves [illegible] are represented [illegible] to the [illegible] Monarchy. I know no [illegible] the [illegible] King James's [illegible] with [illegible] the Irish [illegible] for those who [illegible]. I [illegible] our [illegible] from [illegible] and [illegible] as we can, and regulate [illegible] Monarch [illegible].

Sir [illegible]. I [illegible] to expound [illegible] Monarchy [illegible] I have [illegible] put [illegible] no place of profit, and [illegible] I [illegible] good [illegible]. I hope we have [illegible] we [illegible] to [illegible]. When we have [illegible] me against Monarchy—[He was called to [illegible].] [illegible] all are [illegible] of the Church of England, there are [illegible] of people against the Penal Laws and Test [illegible]; I am [illegible] they [illegible] take the Oaths, they [illegible] a loose foot [illegible].

Sir Henry Capel. I speak to [illegible] persons. I have a [illegible] [They laughed] I mean, [illegible] Distraction [illegible] the Civil War [illegible] though they could not bring [illegible] Charles [illegible] they brought [illegible] in a good measure, [illegible] Parliament had a good [illegible] the country, [illegible] it was coming to be [illegible].

Sir [illegible]. That gentleman [illegible] I hope, will [illegible] me witness that I was [illegible] against Popery [illegible] in King James's [illegible] who closed against the Test, [illegible] closed for Liberty? I fear, there is some secret reason for it, and in it.

[illegible] There has been speaking, on all sides, of this, and that. I speak plainly, [illegible] places where they [illegible] [illegible] that [illegible] take away the [illegible] be what it will on either side, and some in this [illegible] of 'Dissenters who complied with king James,' and [illegible] we say, That any man is for the Government [illegible] [He was inter]rupted, but went on] I only said, that those [illegible] would prove fatal and, in the end, [illegible]struction. I am for understanding every thing; and what you did from the hour the prince of Orange came, [illegible] of the place [illegible] It is [illegible] you have [illegible]

Mr. *Smith*. I am not of Clarges's opinion, 'That we have none to fear but Sectaries, and Common-wealth's men.' I think, there are Church of England-men, and destroyers of the [illegible] who complied with king James [illegible] they [illegible] other reigns. I hope, the king will have such information of this day's debate, that we shall have no more Foreigners; and I hope the English shall be paid, that the officers may not pick the soldiers pockets to subsist themselves; and, I fear, that is the occasion of false musters.

Sir *John Lowther*. [illegible] have [illegible] faults on all sides; I hope we shall have no more distinctions for the future. If we consider the State of France, it is not so formidable as represented. Powder is now 10*l*. the barrel, which, before the war, was but 20*s*. The French [illegible] three times its worth in the fashion: he is in distress for naval stores from the north; and [illegible] upon him: if you are masters of the Channel, and supported by the Confederates, he will soon fall. King James has neither money nor men but from him. I hear it said, 'We have [illegible] of the [illegible] any thing is requisite in such a nation as this, [illegible] When the Accounts [illegible] your state, [illegible] When [illegible] have [illegible]d all out, I hope you will not leave a man criminal unpunished in the government. If you find any man who lies lurking for a change, [illegible] the government, [illegible]

[illegible] It seems [illegible] of the Ac[illegible] is desired, from the time the prince of Orange [illegible] Accounts, [illegible] that are [illegible] way of the Treasury, a man may be puzzled in a merchant's book. There is an Abstract [illegible]

Mr. *Garroway*. I am very glad of this debate, 'to consider the State of the Nation.' I thought to have heard of foreign affairs, of Ireland, our Allies, and Scotland, and now all ends in Accounts. If you will do no more, let us consider in the house how to raise Money to conquer Ireland; but pray consider how [illegible] and how to get out of it. Consider Scotland; I have seen some [illegible] I am not against taking Accounts, as is moved; but, if you will, I will make you a motion; I will tune myself to give no offence. As for the Account of Ireland, I am sure it is a wild one. I would know when a muster was taken, and [illegible] have perished. [illegible] It is said, 'there are but 7000 men in England;' I am so fond of the Church of England-men, that I would not spend one of them in a war. When you have fixed on a Head, I will do you the best service I can.

[illegible] business [illegible] we can never come to the bottom. Two things a parliament can do; give Money, the great sup[illegible] it: I never saw a parliament do any thing else to purpose. I am afraid, if some of the per[illegible] money, nor know how to raise it. It is a man's own fault to suffer men to ruin him that [illegible] and you will find those now employed, voted 'enemies to the king and kingdom, and favourers of Popery.' If those parliaments were mistaken, it is strange! And hindering this king, who was come to deliver us, and banter[illegible] the three greatest men in England, I leave [illegible] of Spain's ministers? Did Henry the 4th of France make use of those of the League for his ministers? The Hollanders, when they were [illegible] I fear, the condition of the French king is not [illegible] stores for his ships, if we take wrong measures, [illegible] consequence. The rebellion in Ireland might have been easily stopped at first. I am for [illegible] about him. I am not for naming any, but for such as have not ruined us already, and not Commissioners, who would persuade the prince of Orange to go out of England.*

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* "The marquis of Halifax, the earl of [illegible] was that [illegible]

Sir *Christ. Musgrave.* I find, all this debate is contrary to your intent, and terminates in nothing but [illegible] *totalis*, to give more Money. I am glad to hear from an honourable person, 'That the French king is not so great as represented, and cannot support the War a year.' I am glad our condition is so much mended; but it is worthy your consideration not to let the safety of the nation depend on Foreigners. We are in a state of war, and I would therefore first see our allies, what they are we must trust to; but, notwithstanding this representation of France, I believe him a potent enemy, and therefore I would see our allies that we are to depend upon: and next, the condition of the Army, what it is, and then naturally will come before you the numbers, whether they are sufficient to protect you. As for the Army, upon any motion of the house, you may make a new Committee to inspect them. What our armies are, and what our allies, not what they are in paper, but what are dead, and how filled up:—pray keep us strictly to that debate.

Mr. *Hampden*, jun. When the stomach is well rectified, all the juices will be well rectified. I meddle not with the government. I am not for a Common-wealth, in the posture now of affairs we are in. I am for removing those who were of king James's council, and who would have persuaded the prince of Orange to return.

Sir *Tho. Clarges.* The motions are so general, that no question can be put. 'For those that came to treat with the prince of Orange, (without naming any persons, or what they have done) to be removed,' is a strange motion.

Mr. *Foley.* I would as willingly pass by what has been done, as any man; but the management has not been from [illegible] but treachery. I would let the king know what our fears are, leaving it to his wisdom and discretion, without naming persons.

Sir *Edward Seymour.* I shall preface my discourse with something of Order, which I find not well observed. When exceptions are taken at what falls from any gentleman, possibly the latter part of his discourse may explain the former. We are to consider 'the State of the Nation,' which I take to be very ill; whether by ignorance of those that managed, or favour to king James, I shall not determine. Whether we look into Scotland, the Navy, Army, or abroad, you will find it in ill condition. If the same hands still manage the government, either king James, or a worse thing may come amongst us. We have no part in the executive authority of the government, but we may advise the king. [illegible] and whether we are undone by the [illegible] Hugh, or the converts of father Peters; by the Counsellors of king James, or the Favourites of king William; I say, it is too well known, [illegible] confessed, that some are [illegible]

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* "The member that spoke the loudest on this occasion was Mr. Hampden, jun. who, though his life had been in danger under the preceding reign, and though both he and his father had much contributed to the late Revolution, and though both were in favour with the present king, yet made a long speech against those that had the management of affairs, by saying, he could not but wonder to see those very persons in the ministry whom the late king James had employed, even when his affairs were most desperate, to treat with the (then) prince of Orange. He alleged the example of William first prince of Orange, who never made use of the duke of Alva's ministers; of Hen. 4. of France, who never employed those of his competitor the duke of Mayenne, and of several other princes: and moved for an Address, to desire his majesty to remove the persons he had marked out, from his presence and councils. This speech might, perhaps, have made an impression on the minds of some members, but because at the same time he complained, that several Commonwealth-men were employed in the government, the house, who knew both the man, his father and their predecessors, to have ever adhered to the Republican party, broke out immediately into a general laughter. As soon as the commons had recovered their gravity, several members stood up to vindicate the three persons against whom Mr Hampden had reflected, alleging, that the reason why they had been deputed to the prince of Orange was, not because they were in king James's interest, but rather, because they had all along disapproved his majesty's conduct, and as such, had the general approbation of the nation, and were most likely to be agreeable to his highness.—The same day sir Thomas Clarges represented to the commons, that it was dangerous to bring so many foreign troops into the kingdom, and that it was both safer and more expeditious to employ Englishmen in the reduction of Ireland. He supported his motion by the example of Cromwell, whose English troops not only had a natural antipathy against the Irish, but likewise a constant ascendant over them; but somebody very justly replied, That Cromwell's army was composed of well-trained, weather-beaten soldiers, whereas the present king's forces were made up of raw, undisciplined men. Sir Thomas Clarges made this motion, upon a false report that besides the 7000 Danes the king had sent for 8000 more, either from Hanover or [illegible]" See the "Life of King William," vol. 1. p. 164.

† [illegible]

'The Keepers of the Liberties of England,' [illegible] much as we can represent to the king. I will urge that part no farther; those who seem to avoid it have laboured to increase it. Does any man believe, that, if the War be carried on by the same hands, you will not have the same success? It is not in our power to re- [illegible] them to the king to be remedied. I know not what means 'a Representation of persons to [illegible] ever did, to mediate peace. You have matters [illegible] spent his treasure: and I move for a Repre- [illegible]

Col. *Tipping.* I wonder any man should [illegible] king James; they cannot wish well to the present Government, and I move you to declare [illegible]

Sir *John Trevor.* I would leave all to the [illegible] picion.

Sir *Tho. Lee.* For the little share I have in management of affairs, I speak with no envy or fear; I can justify myself as an honest man. I have sat 30 years in parliament, and I ever thought 'the keepers of the liberties of England' [illegible] is, the king, lords, and commons. When [illegible] thrown about; and those that cried 'fire' out [illegible] making a representation of Miscarriages, a noise over the nation: I am concerned for the [illegible] it is, and will not tell him, and leave him to find it out. In Ch. 2's time, this was said to be 'Talking the Government out of doors.' Show him the fault, and the persons, and not [illegible]

Resolved, "That an humble Address be [illegible] the ill Conduct and Success of our Affairs, in [illegible] and, in his wisdom, to find out the Authors of [illegible]

[illegible] Bill, "That the kings and queens of England [illegible] should be called at the beginning of their reign; and that if any king or queen of England [illegible] gion, or marry with a Roman Catholic prince or [illegible] their allegiance; and that the crown and government of these realms should from time to [illegible] a Papist as aforesaid, were naturally dead." [illegible]

Upon the third reading of this Bill a Rider [illegible] upon an Impeachment of the house of commons [illegible] part of the bill? It was resolved in the nega- [illegible] *Protest thereon.*] Before the putting the [illegible] Dissents in these Reasons following: "1. Because [illegible] are too big for the ordinary courts of justice, [illegible] cases. 2. Because such a power of pardoning would cause a failure of justice, which the [illegible] ous, when there is wanting a sufficient power to punish evil ministers of state, the bringing of such ministers to justice being then a mat- [illegible] evil ministers are in a much securer condition [illegible] tice, since they are so much the more useful and necessary to such kings, by how much they [illegible] not in case of an appeal, nor wherever the wrong or injury is to a third person. 6. A [illegible] 7. Because it is inconsistent with the government of England to vest a power any where, that may obstruct the public justice. 8. Because such a power of pardoning sets the king's prerogative above the government [illegible] inconsistent with the [illegible] constitution. 2. Because [illegible] the Right, and the Vote of this House against the Dispensing Power in general [illegible] seems to [illegible] the power [illegible] generally [illegible] dispensing Power. Macclesfield, [illegible] Delamere, Cornwallis, [illegible] R. Montagu, Herbert, Stamford, [illegible]"

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* Tindal.

[*The Speaker's Speech to the King on presenting the Bill of Rights.*] Dec. 16. This day the king came to the house of peers, and gave his assent to the Land Tax Bill and the Bill of Rights and Succession. Upon which occasion, the Speaker of the house of commons addressed his majesty as follows:

"May it please your majesty; your dutiful and loyal subjects, the commons in this present parliament assembled, being sensible of the [illegible] and necessary Expences your majesty will sustain in the prosecution of the War, wherein your majesty is now engaged, did, at their first meeting in this present session, unanimously agree to present your majesty with a Supply of two millions, three rates, part of which they resolved to charge upon lands, as the most speedy and certain way of raising present money for this occasion. But, finding that great Arrears had been contracted in the collecting the late Supply of the like nature, they have endeavoured to provide against those abuses in the [illegible] of this present tax, the consideration whereof hath taken up much of their time, and produced a Bill for that purpose, which I now offer to your majesty's gracious acceptance. They have likewise agreed upon a Bill for declaring of their Rights and Liberties, which were so notoriously violated in the late reign, humbly desiring your majesty to give life to it by your royal assent, that so it may remain, not only as a security to them from the like attempts hereafter, but be a lasting monument to all posterity, of what they owe to your majesty for their Deliverance."

THE BILL OF RIGHTS.

The following is a copy of this memorable Bill:

An Act declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown.

"Whereas the lords spiritual and temporal, and commons, assembled at Westminster, lawfully, fully, and freely representing all the estates of the people of this realm, did upon the 13th of February, in the year of our Lord 1688, present unto their majesties, then called and known by the names and stile of William and Mary, Prince and Princess of Orange, being present in their proper persons, a certain Declaration in writing, made by the said lords and commons, in the words following, viz.

'Whereas the late king James the 2nd, by the assistance of divers evil counsellors, Judges and Ministers employed by him, did endeavour to subvert and extirpate the Protestant Religion, and the Laws and Liberties of this kingdom. 1. By assuming and exercising a power of dispensing with and suspending of laws, and the execution of laws, without consent of parliament. 2. By committing and prosecuting divers worthy prelates, for humbly petitioning to be excused from concurring to the said assumed power. 3. By issuing and causing to be executed a commission under the great seal for erecting a court called, The Court of Commissioners for Ecclesiastical Causes. 4. By levying money for and to the use of the crown, by pretence of prerogative, for other time, and in other manner, than the same was granted by parliament. 5. By raising and keeping a Standing Army within this kingdom in time of peace, without consent of parliament, and quartering of soldiers contrary to law. 6. By causing several good subjects, being Protestants, to be disarmed, at the same time when Papists were both armed and employed contrary to law. 7. By violating the freedom of election of members to serve in parliament. 8. By prosecutions in the court of king's bench, for matters and causes cognizable only in parliament, and by divers other arbitrary and illegal courses. 9. And whereas of late years, partial, corrupt, and unqualified persons, have been returned and served on juries in trials, and particularly divers jurors in trials for High Treason, which were not freeholders. 10. And excessive bail hath been required of persons committed in criminal cases, to elude the benefit of the laws made for the liberty of the subjects. 11. And excessive fines have been imposed, and illegal and cruel punishments inflicted. 12. And several grants and promises made of fines and forfeitures, before any conviction or judgment against the persons, upon whom the same were to be levied. All which are utterly and directly contrary to the known laws and statutes and freedom of this realm.

'And whereas the said late king James the 2nd having abdicated the government, and the throne being thereby vacant, his highness the prince of Orange (whom it hath pleased Almighty God to make the glorious instrument of delivering this kingdom from Popery and arbitrary power) did (by the advice of the lords spiritual and temporal, and divers principal persons of the commons) cause letters to be written to the lords spiritual and temporal, being Protestants, and other letters to the several counties, cities, universities, boroughs, and cinque-ports, for the chusing of such persons to represent them, as were of right to be sent to parliament, to meet and sit at Westminster upon the 22nd day of January in this year 1688, in order to such an establishment, as that their religion, laws, and liberties might not again be in danger of being subverted; upon which letters, elections having been accordingly made, And thereupon the said lords spiritual and temporal, and commons, pursuant to their [illegible] letters [illegible] sembled in a full and free representative of this [illegible] aforesaid; do in the first place (as their ancestors in like case have usually done) for the vindicating and asserting their antient rights and [illegible]

'1. That the pretended power of suspending 'of laws, or the execution of laws, by regal 'authority, without consent of parliament, is 'illegal. 2. That the pretended power of dispensing with laws, or the execution of laws, [illegible] 'and exercised of late, is illegal. 3. That the 'Commission for erecting the late Court of 'Commissioners for Ecclesiastical Causes, and 'all other Commissions and courts of like 'nature, are illegal and pernicious. 4. That 'levying money for or to the use of the crown, by 'pretence of prerogative, without grant of parliament, for longer time, or in other manner 'than the same is or shall be granted, is illegal. '5. That it is the right of the subjects to petition the king, and all commitments and prosecutions for such petitioning are illegal. 6. 'That the raising or keeping a standing army 'within the kingdom in time of peace unless it 'be with consent of parliament, is against law. '7. That the subjects which are Protestants, 'may have arms for their defence suitable to 'their conditions, and as allowed by law. 8. [illegible] ought 'to be free. 9. That the freedom of speech 'and debates or proceedings in parliament, 'ought not to be impeached or questioned in 'any court or place out of parliament. 10. 'That excessive bail ought not to be required, 'nor excessive fines imposed; nor cruel and 'unusual punishments inflicted. 11. That jurors ought to be duly impanelled and returned; 'and jurors which pass upon men in trials for 'High Treason ought to be freeholders. 12. 'That all grants and promises of fines and forfeitures of particular persons before conviction, are illegal and void. 13. And that for 'redress of all grievances, and for the amending, strengthening, and preserving of the laws, 'parliaments ought to be held frequently.

"And they do claim, demand, and insist [illegible] undoubted rights and liberties; and that no declarations, judgments, doings, or proceedings, to the prejudice of the people in any of [illegible] only means for obtaining a full redress and remedy therein. Having therefore an entire [illegible] Orange will perfect the deliverance so far advanced by him, and will still preserve them [illegible]

[illegible] princess of Orange be, and be declared, king and queen of England, France, and Ireland, and the dominions thereunto belonging, to hold [illegible] doms and dominions to them the said prince [illegible] the survivor of them; and that the sole and [illegible] names of the said prince and princess, during their joint lives; and after their deceases, the [illegible] such issue to the princess Anne of Denmark, and the heirs of her body; and for default of [illegible] prince of Orange. And the lords spiritual and temporal, and commons, do pray the said prince and princess to accept the same accordingly.

[illegible] be taken by all persons of whom the Oaths of Allegiance and Supremacy might be required by law, instead of them; and that the said Oaths of A[illegible] and S[illegible] be abrogated.

'I, A. B. do sincerely promise and swear, 'that I will be faithful, and bear true allegiance, 'to their majesties king William and queen 'Mary: So help me God.'

'I, A. B. do swear, That I do from my 'heart, abhor, detest, and abjure, as impious 'and heretical, that damnable doctrine and 'position, "That princes excommunicated, 'or deprived by the pope, or any authority of 'the see of Rome, may be deposed or murdered by their subjects, or any other whatsoever." And I do declare, That no foreign 'prince, person, prelate, state or potentate 'hath, or ought to have, any jurisdiction, 'power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this 'realm: So help me God.'

[illegible] doms of England, France, and Ireland, and the dominions thereunto belonging, according [illegible] tion.

5. And thereupon their majesties were pleased, that the said lords spiritual and temporal, and commons, being the two houses of parliament, should continue to sit, and with their majesties royal concurrence make effectual provision for the settlement of the religion, [illegible] same for the future might not be in danger again of being subverted; to which the said [illegible]

6. Now, in pursuance of the premises, the [illegible]

in parliament assembled, for the ratifying, confirming and establishing the said Declaration, and the articles, clauses, matters, and things therein contained, by the force of a law, made in due form by authority of parliament, do pray that it may be declared and enacted, that all and singular the rights and liberties asserted and claimed in the said Declaration, are the true, ancient, and indubitable rights [illegible] and so shall be esteemed, allowed, adjudged, deemed, and taken to be, and that all and every the particulars aforesaid shall be firmly [illegible] expressed in the said Declaration; and all of- [illegible] same in all times to come.

7. And the said lords spiritual and temporal, and commons, seriously considering how it hath pleased Almighty God, in his marvellous providence, and merciful goodness to this nation, to provide and preserve their said ma- [illegible] over us upon the throne of their ancestors, for which they render unto him from the bottom of their hearts, their humblest thanks and praises, do truly, firmly, assuredly, and in the [illegible] recognize, acknowledge and declare, that king James the second having abdicated the government, and their majesties having accepted the crown and royal dignity as aforesaid, their said majesties did become, were, are, and of [illegible] by the laws of this realm, our sovereign leige lord and lady, king and queen of England, France, and Ireland, and the dominions thereunto belonging, in and to whose princely persons the royal state, crown, and dignity of the said realms, with all ho- [illegible] powers, jurisdictions and authorities to the same belonging and appertaining, are most fully, rightfully, and entirely invested and incorporated, united and annexed.

8. And for preventing all questions and divisions in this realm, by reason of any pre- [illegible] a certainty in the Succession thereof, in and upon which the unity, peace, tranquillity, and safety of this nation doth, under God, wholly consist and depend, the said lords spiritual and temporal, and commons, do beseech their majesties that it may be enacted, established and [illegible] of the said kingdoms and dominions, with all and singular the premises thereunto belonging and appertaining, shall be and continue to their said majesties, and the survivor of them, during [illegible] and that the entire, perfect, and full exercise [illegible] of both their majesties during their joint lives; [illegible] the heirs of the body of her majesty; and for default of such issue, to her royal highness the princess Anne of Denmark, and the heirs of her body; and for default of such issue, to the heirs of the body of his said majesty: and thereunto the said lords spiritual and temporal, and commons, do, in the name of all the people aforesaid, most humbly and faithfully submit themselves, their heirs and posterities for ever; and do faithfully promise, that they will stand to, maintain, and defend their said majesties, and also the limitation and succession of the crown herein specified and contained, to the utmost of their powers, with their lives and estates, against all persons whatsoever, that shall at- [illegible]

9. And whereas it hath been found by experience, that it is inconsistent with the safety and welfare of this Protestant kingdom, to be governed by a Popish prince, or by any king or queen marrying a Papist; the said lords spiritual and temporal, and commons, do further pray that it may be enacted, that all and every person and persons that is, are, or shall be reconciled to, or shall hold communion with, the see or church of Rome, or shall profess the Popish religion, or shall marry a Papist, shall be excluded, and be for ever incapable to inherit, possess, or enjoy the crown and government of this realm, and Ireland, and the dominions thereunto belonging, or any part of the same, or to have, use, or exercise any regal power, authority, or jurisdiction within the same; and in all and every such case or cases the people of these realms shall be, and are hereby absolved of their allegiance; and the said crown and government shall from time to time descend to, and be enjoyed by such [illegible] Protestants, as [illegible] have inherited and enjoyed the same, in case the said person or persons so reconciled, hold- [illegible] aforesaid, were naturally dead

10. And that every king and queen of this realm, who at any time hereafter shall come to and succeed in the imperial crown of this kingdom, shall on the first day of the meeting of the first parliament, next after his or her coming to the crown, sitting in his or her throne in the house of peers, in the presence of the lords and commons therein assembled, or at his or her coronation, before such person or persons who shall administer the [illegible] oath to him or her, at the time of his or her taking the said oath (which shall first happen) [illegible] repeat the Declaration mentioned in the statute made in the 30th year of the reign of king Charles 2, intituled, 'An act for the more effectual preserving the king's person and government, by disabling Papists from sitting in either house of parliament.' But if it shall happen, that such king or queen, upon his or her succession to the crown of this realm, shall be under the age of [illegible] years, then every such [illegible] and [illegible] repeat the said declaration at his or her coronation, or the first day of the meeting of [illegible]

[illegible] upon [illegible] the said age of twelve years.

[illegible] ment, and shall stand, remain, and be the law of this realm for ever; and the same are by [illegible] ral, and commons, in parliament assembled, [illegible] enacted, and established accordingly.

[illegible] sation by *non obstante* of or to any statute, or [illegible] same shall be held void and of no effect, except a dispensation be allowed of in such statute [illegible] cially provided for by one or more bill or bills [illegible]

13. Provided that no charter, or grant, [illegible] same force and effect in law, and no other, than as if this act had never been made."*

Dec. 16. The Speaker of the commons ac[illegible] inclosed a Letter from him, giving an Account of his proceedings, since he came into that em[illegible] ise; praying, that he may be released from [illegible] the table.—Resolved, "That an humble Ad[illegible] Papers may be brought over with him: and [illegible] Letter and Petition."

Debate on the Bill for continuing the Revenue for a Year.] Dec. 17. Mr. Hampden re[illegible] the public Revenue for a [illegible]

Sir *Wm. Pulteney.* The matter before you is of great importance. I cannot agree, &c. to the [illegible] termined by the ordinary rules of Westminster-Hall, but by the government. There is a [illegible] act of parliament. When king James abdicated the government, there was a cessure of the Revenue, and it abated; but when you filled the throne, such as had legal grants, they were not determined; I know not, whether they can receive the Revenue, but it is all the reason in the world that the crown should have a certain subsistence by revenue. I think, such a thing [illegible] crown by implication. If the Chimney-Money must be gone by the Abdication, you needed not to have made an Act to take it away. If you continue the words 'and no longer,' I fear, they will not only affect the crown, but the subjects too, that have had Grants.

[illegible] convenient to put in the words 'and no lon[illegible] and Excise, some part of the revenue follows [illegible] ditary Revenue from the other, and I agree to it. Says Pulteney, 'This may shake Grants,' [illegible]

Mr. *Finch.* I rise up to acquaint you how [illegible] When you come to say, 'That the Revenue shall be collected for one year, and no longer,' [illegible] If you put in the words 'for one year, and no [illegible] ed not that Act. If the Court of Wards was [illegible] ditary revenue. Thompson says, 'No man will say, the Court of Wards was part of the [illegible] he [illegible] the lands and wards. [illegible] Revenue, he is for taking away the Revenue wholly.

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* "It was at this time suggested in all com[illegible] and unjustifiable: that king James would shortly return with a powerful army, and settle things on a right foundation: that the in[illegible] some of the clergy, bishop Burnet wrote a Pas[illegible] the allegiance due to William and Mary, in [illegible] crown by the determination of the people, as [illegible] toral Letter (with another of Charles Blunt, [illegible] sitting. A little before the publication of the Bishop's Letter, a Libel was dispersed by the disaffected, called, 'A short history of the [illegible] against which a proclamation was issued, May [illegible]

Sir *Tho. Lee.* I would willingly have the long robe inform us, whether those Grants for Ch. 2.'s and James's life, continue for the king's life? If each of them subsist, this Act is wholly [illegible] As to what [illegible] says of the Chimney Money, [illegible] 3 Car. 1. mention 'Quartering of soldiers,' in the Petition of Right? I would make use of this debate. If any of them be out, all are out. The Court of Wards, which was exchanged, was ancient in the crown, but I question whether the crown had a right to dispose of wardships before they fall.

Mr. *Finch.* In the Petition of Right, one part is declaring an old law, and another is making a new. The king grants a wardship [illegible], and that answers Lee.

Sir *George Treby.* To these words 'No longer.' The operation of these two words is to take away all the inheritance of the crown. To answer Lee's question, the king might release the tenures of inheritance of profit, that he had by the tenure, as he did wardship [illegible] the town of Yarmouth. If the king can grant this, he may grant what is in lieu of it. In the former bill, which is the pattern of this, there was some scruple made, whether they could safely collect it, (as if it was a new thing that kings have abdicated, and given up their crown [illegible]. All the [illegible] was upon collecting the Customs and Excise 'during king James's life.' Some were for the political life, others for the natural; this had some doubt for the sake of the officers, and therefore the Act was entitled, 'For the better collecting the Public Revenue.' It was said, and with great approbation, 'We have Judges for life, and salaries, &c. how could that be, if it was not supposed the Revenue was not hereditary?'—You go on and say, 'the king had not only [illegible] Popery and Slavery, but you yielded to give the king thanks, for releasing the Chimney Money.' The appropriating some of the Revenue to pay Ch. 2.'s servants, and the Money to the States General, by it you suppose the subsisting of the Revenue, and you appropriated it to these uses. All prerogatives and advantages whatsoever follow the crown, and if they have the crown, they have all that belong to the crown. I think it strange, when a bill is brought in to satisfy a doubt, when, indeed, there was none; but to grant a Revenue, and charge it when you have done—will you determine the whole Revenue without hearing counsel for the king?

Sir *W. Williams.* Certainly some part of the Revenue is not alienable, and, no doubt, on the other side, the king may extinguish his Wardships, by a release; but, whether the king may alien his inheritance of Wardships, is another subject: I doubt it much.

Sir *John Trevor.* The exception is a good exception, and I must apply something to the one and to the other. I do agree, that 'No longer,' extends to all the revenue; that part hereditary and temporary too: I hope you will not apply the same words to both. [illegible] favour, this is a new government. I will not deny my opinion: It was so in all broken times. In Edw. 2.'s time, &c. Edw. 3. took all the revenue being in possession of the crown [illegible] 4. and Edw. 4. took it; and the Revenue continues when the crown is upon any man's head. The opinion has been in Westminster-hall, 'That the Revenue continues,' and the Customs were paid after the death of Ch. [illegible]

Mr. Solicitor *Somers.* If Trevor's doctrine be true, [illegible] grant this away for ever [illegible] words of the Act. In the Customs, the [illegible] lasts for life, and no longer, and no doubt of it. Now, for the Revenue granted for king James's life, whether it lasts longer than his reign? The Revenue of the crown of England is [illegible] in the king's [illegible] capacity as to a corporation. This will be of so terrible a consequence, that, I hope, you will leave out the words 'No longer.'

Sir *John Trevor.* I did not broach that doctrine. I use not to broach doctrines. I said, 'That it was the opinion in Westminster-hall, in king James's time;' and, 'that unless you put in these words in the Grant [illegible] longer.' If the words were necessary [illegible] they are necessary now. The Revenue [illegible] collected in king James's and after Charles 2.'s time.

Mr. *Garroway.* I think Trevor in the right. There was a Grant of the Customs of the Currants in Ch. 1.'s time; several were imprisoned for not paying the duties, though granted for years [illegible]. The expedient may be [illegible] of the Bill, viz. 'That this shall last for one year, and no longer,' and so leave it as you found it, and you'll do no hurt.—The Amendments were rejected.

Debate on the Clause in the Revenue Bill saving Princess Anne's Patent, or Grant, &c.]

Mr. *Boscawen.* I have as high an esteem for [illegible] princess [illegible] princess of Denmark, as any man; and I would be understood not to speak with reflection. For the first part of the Clause, the committee had no power to confirm the [illegible]. To confirm this, implies a diffidence in the king and queen. If the Hereditary Revenue be fallen, it is still in being.

Mr. *Hampden.* Your instruction to the committee was nothing but 'To provide a Pension for princess Anne for a whole year;' and this Clause is not brought in according to that.

Sir *Henry Capel.* I hear there is a patent for this Pension, but to take notice of it here is an extraordinary thing, and the improperest thing to be joined with this Bill; it is joining brass to clay, and not justifiable in the nature of it. There is an expression in the [illegible] which is an interdictive to the second clause of the Bill: What authority that honourable lord (Cornbury) has to bring it in, I know not; but I am sure he ought to have good warrants. It your hands are tied up to such a clause, where [illegible] Office? I do not know more Exchequers than one. Have a care; by the course of the govern- [illegible] their books. This may be a countenance to other Grants of King James, which, I hope, you will not allow. Upon the whole, I think it much better to lay this aside wholly. I would do that which should express respect and boun- [illegible], but this is not a proper time. In this great [illegible] volution, this prince and princess were great instruments in delivering us from popery and slavery. 'Tis true, we are delivered from popery and slavery here, but there is another kingdom that lies under it: Now every body, the very farmer, retrenches in his family, and trade is grown low, but when it is a proper time, no man shall be more ready to increase the princess's revenue than myself; but I do say, there may be a time when the hearts of people will go more with such a thing, and, I [illegible] and princess. This is very surprizing: as to our constitution of the Exchequer, I would have [illegible] crown. Let the preamble mention all respect imaginable, that the arrears may be paid, and address the king for a Revenue for the prince and princess, for this year, such as the king shall judge necessary, this exigency of affairs of the kingdom considered; and hereafter it may be thought of; and, in the mean time, address to the king to this purpose.

Mr. *Foley*. I think here are two exceptions not to be answered. The first is, I think this [illegible] This clause confirms the letters patent to the princess, and the heirs of her body, and that [illegible] porary. Next, I hope, though the merits of this princess be great, yet that you will not [illegible] you confirm, whether good, or no, and you [illegible]

Sir *Tho. Clarges*. There is little difference [illegible] that in this the Speaker is not in the chair. Your order is, 'To provide for the prince and [illegible] are confirmed but for a year, and no more. I [illegible] invested in her. But 'that, without reading [illegible] a mistake. In the parliament of Henry 8. and Edw. 6. where letters patent were granted from such and such a prince to such a time, it [illegible] statute for confirmation of all cathedrals, and [illegible] they were all confirmed. It is said, 'That now it is not a seasonable time.' but is it not season- [illegible] of Gloucester, should have meat, drink, and cloaths? This revenue is not very extraordi- [illegible] say here, 'That the king was not consulted in this.' I hope it will never be admitted, that [illegible] pass bills here. There was 24,000*l*. a year [illegible] in lieu of the charge upon the Excise, and the Exchequer never took fee of it. I think this [illegible] for our laws and liberties, with their lives too, in this Revolution, that I would agree to the Clause.

Mr. *Hampden*. I think this very hard, to pay this 70,000*l*. this year: in the state you are in, it is a very great hardship to the king and kingdom. I shall deal as generously in the offices I am in, as any man that would be in office. I meddle not with this patent; I think it a good patent, but not regular to confirm it here. You charge this branch of the Revenue with this; will you say the king shall receive for his Civil List the other part? The queen [illegible] looked into, you shall see what is done. You have granted 2*s*. per pound, &c. and the king [illegible] take it up, and I guess very largely if there be [illegible] left of your 2*s*. per pound? The Excise that goes out, suppose 14,000*l*. per week, that must [illegible] and here is all to maintain what I have told you. This is a melancholy prospect. I move, [illegible]

Mr. *Ettrick*. I know not that the methods [illegible] is, want of money. As for Capel's joining 'brass with clay,' I am sorry Capel's opinion is, that no part of it is hereditary; we should have gone a little farther, had it not been for [illegible]

Col. *Birch*. My affections at that time did, in a great measure, captivate my reason. Since [illegible] tions stand as high as ever they did. As to this Patent, the question is, Whether this debate, as the case stands, is seasonable? I can- [illegible] I do not see.) I would do no prejudice to this Patent, but I would augment the princess's revenue; but can any body say, this is season- [illegible] protection? Is this like to create a good under- [illegible] little farther. I would say [illegible] Clause, [illegible] of the patents. [illegible] the House, [illegible] go to the Exchequer.' [illegible] A [illegible] upon the House [illegible] [illegible] access [illegible] answer [illegible] and get [illegible]

Sir R[illegible]. [illegible] 20 or 30,000l. [illegible] the [illegible] particular, and [illegible] great [illegible] the patents [illegible]

Mr H[illegible]. [illegible] and [illegible] There was a good [illegible] between 1 and 15, [illegible] Orders, she had a great [illegible] about the [illegible] they [illegible] [illegible] York [illegible] the [illegible] queen might have [illegible] from the king; [illegible] the [illegible] duke of [illegible] the queen [illegible] duke of Schomberg [illegible] to the Clause.

Mr [illegible]. The [illegible] of two parts, one to [illegible] the other for an [illegible] Reversion [illegible] patents. It is said, 'It was the [illegible] of the [illegible] that [illegible] be declared good, and therefore [illegible] considered.' [illegible] committee, [illegible] I **have heard of an attaint, and men never answered** [illegible] patents. I have heard the patents read, and [illegible] [illegible] more [illegible] Therefore [illegible] read them. It has been said, 'We are not to ask the king's mind what to do here;' but, any man take upon him to say, 'It is the king's mind,' we ought to enquire whether it be true. We have Messages from the king on other occasions, and why not on this? In the

case of the duke of York's Grant, &c. [illegible] the king [illegible] No [illegible] the patent and [illegible] process, or [illegible] [illegible] than I, [illegible] right from the [illegible] Commission [illegible] patents [illegible] [illegible] reversion [illegible] security [illegible] the royal family. [illegible] several [illegible] [illegible] The king must [illegible] process [illegible] [illegible] York [illegible] the beginning of [illegible]

Sir [illegible] Seymour. [illegible] to agree [illegible] [illegible] is [illegible] regular, [illegible] How [illegible] process, and [illegible] [illegible] It was never [illegible] patent was [illegible] [illegible] read, and now [illegible] act of parliament [illegible] [illegible] the [illegible] excise, [illegible] the exchequer, [illegible] payment. [illegible] Protestant [illegible]

Mr [illegible]. [illegible] Seymour [illegible] West, [illegible] as Speaker [illegible] has not had time [illegible]

Sir [illegible]. At least, I have [illegible] than that gentleman.

Mr [illegible]. If the duke of York [illegible] the crown, [illegible] kingdom, [illegible] greater [illegible] [illegible] have been [illegible] patents [illegible] patents [illegible] 'If they are [illegible] law [illegible] It is [illegible] consequence to provide [illegible]

[illegible] liament said, 'If you provide thus, your son [illegible].'

Mr. *Godolphin.* I am for agreeing to the Proviso. It is said, 'This is not agreeable to [illegible] use; and that is an objection against the [illegible] sion was part of the Revenue for life, and part for years: I am sorry that was not then [illegible] abroad by your allies; will they be with you for your revenue for a year, and no longer? [illegible] persons not at their ease: let the princess be at ease. I believe, the king will not give so great a sum as this, but at the recommendation [illegible]

Mr. Attorney *Treby.* I would leave this to farther consideration, and recommit it. I find [illegible] think not fit for this company—If I call the [illegible] e left her father, her beloved mother, and [illegible] This may tend to lay a foundation of distrust [illegible] that shakes what we must all be safe in. Under colour of a year's Revenue, by this you bring in a clause of perpetuity. I think the patent not invalidated by leaving out this clause.

Mr. Comptroller *Wharton.* 'What is or- [illegible] land] I was never ordered by the court, and [illegible]

Lord *Falkland.* I did not say, 'Any body [illegible] bate.' I meant the order of 'the Exchequer- [illegible] court in king James's time) nor gave my consent to bring a person into that parliament, though I was promised I should be a peer of [illegible]

Mr. *Godolphin.* It is slyly insinuated by [illegible] ters: but to condemn a person whom the par- [illegible]

Mr. Attorney *Treby.* I was so far from having him in my thoughts, that I heard him [illegible] he would declare I had lord Russel's case; and I had lord Russel's case, and his counsel's consent for what I did

Mr. *Garroway.* If it were possible, I would [illegible] what we do. I fear, a question may make divisions. Hereafter, the king will take care of the princess, and pray adjourn the debate.

The Bill was recommitted on the above Clause, 190 to 127.

Dec. 18. The house went into a grand [illegible] for the Revenue.

Col. *Birch.* I conceive you have order to debate, or lay aside, the whole Clause relating to the princess. I think it is far better to debate the whole Clause; it will prevent loss of [illegible] Let gentlemen consider the scope of the debate yesterday, viz. 'That it may be with honour to the king, and a noble subsistence for the princess.' I would rather lay it aside, or make an humble Address to the king, that her Arrears may be paid, and a continuation of her Pension.

Sir *Christ. Musgrave.* I think Birch has misled you; to debate it paragraph by paragraph, is the usual method: two have relation [illegible] have none. Debates more regular if they are kept to the strict proposition: for that which relates to other Patents, it does not strengthen [illegible] being directly named, and no more confirmed. [illegible]

Sir *Wm. L. Gower.* I move, that you will [illegible] Treaty between the two crowns of England and Denmark, for provision of younger children. Here is but 30,000*l.* per ann. on this [illegible] places in England: I grudge them not the [illegible] have 10,000 Danes sent over to fight for us? I would know whether it was agreed, that this [illegible] ment? I suppose, when the Articles of Marriage were made, they intended to rely upon the king and the patent; and, I think, it is as [illegible] sister, than when she was of a different religion from her father. When you settle the [illegible] I desire that it may run plain, free, and clear, that it may last no longer than that term; it is [illegible] or queen. I move, 'That you will order the [illegible] princess may be free and clear, in such proportion, as large as it can go, for this year, the [illegible]'

Sir *Christ. Musgrave.* I am not for putting the patent in better condition than it was be- [illegible] before, I am not against it.

Mr. Ga[illegible]. I [illegible] that w[illegible] the patent of better, or worse [illegible]. I desire only a saving the patent, and I shall offer some words to it, viz. 'That the patent [illegible] as full force as it was before, notwithstanding this Act.'

Sir J[illegible]. Since the Treasury may be [illegible] by this Pension, as [illegible] apprehended, I do not believe this Revenue was in the crown in 1688; and, since it is said to be in the Treaty, I hope they may provide for [illegible] as [illegible] private acts. These are letters patent upon valuable considerations. I know, a clause in an act of parliament may take away the benefit of any [illegible]. These patents are said to be 'in perpetuity,' and, I think, this Clause offered is a reasonable clause. Though the king has taken great care of the princess, yet others have not, she has not yet had [illegible] quarter, and now it is within ten days of Christmas.

Mr. *Sacheverell.* I am surprized at what I heard this morning. Here are words offered neither to confirm nor invalidate the patent. It is said by another, 'He would confirm the patent;' but [illegible] you intend, therefore it is necessary to know the next Clause what [illegible] saving. If there be a good title to these patents, I cannot agree to confirming them, and there is no [illegible]. Let us know whether we shall confirm, or not confirm them.

Sir *Henry Goodricke.* I am against the salvo of Marriage-consideration, but if to be left in the state you found it in, what is the meaning of the saving? There is something in the grass. There are certain persons put in trustees for this patent, that are under illegal capacities, not qualified by the Test. There is one that is abroad (lord Sunderland) especially; will you put them in a capacity of this trust? I am not willing they should be taken notice of. I discover more; if this contract of marriage be allowed by you, every prince that [illegible] marriage with you, will have it, as at Paris, registered in the court of parliament. By this, you will put the crown upon hardships.

Mr. *Finch.* I perceive, it is every body's opinion to do no advantage nor [illegible] to the patents. All men are of opinion that this Clause will do no hurt. If any of these trustees are in an incapacity, the [illegible] [illegible] law. If trustees are attainted, it [illegible] trust, but it invalidates not the rest.

Sir *Wm. Williams.* I am clearly for saving them, [illegible] jealousy, but, I suppose, the design is, that the [illegible] of the Revenue [illegible] under the Patent from its vigour and strength. I would postpone this Clause.

Sir *Tho. Lee.* According to the true rules of Order, you are out of the way. I take it, when it is recommitted, [illegible] brought to the [illegible]. After [illegible] gone over, gentlemen may present a Clause.

Sir *Christ. Musgrave.* I think you have [illegible] that the Clause [illegible] to have [illegible].

Sir *Tho. Lee.* I will only justify point of order. Why was it recommitted? It was, because it went farther than the house ordered.

Sir *Wm. Williams.* The Clause provides [illegible] of the princess, than the king [illegible] I would lay it aside.

Sir *W. L. Gower.* I offer these words to the Clause, 'That whereas the prince and princess have been highly instrumental in this happy Revolution, the sum of **** be given them, &c.'

Sir *Tho. Lee.* I think an Address to the king [illegible] any thing you have [illegible]posed, but to enact this Clause is not leaving it to the king. He must do it, or [illegible] Bill. In the case of the duke of York, that was mentioned, the commons did not grant it to him, but desired the king to confirm such letters patent. Pray [illegible] over that grant, and make it so, as that the king makes the grant.

Mr. *Garroway.* I would have the Clause run in this Bill, 'That the king would order so much Money as we shall name [illegible] house;' such a clause, I think, as obligatory as an enacting clause. Again, I would name a sum that the prince and princess may have [illegible] for this year, that the king be [illegible] to appoint that sum you shall name, by quarterly payments.

Mr. Comptroller *Wharton.* I am sorry for the debates and heats yesterday; I feared an ill consequence, but, I hope, there will be none to-day. As for the motion I made, I had not been at the court of exchequer, nor the court at Kensington, for it, but I heard the king say, 'He would be content that the prince and princess should have an allowance for their subsistence:' and I move for an Address accordingly. I have no orders to propose it, but, as from myself, I move, 'That they may have the addition [illegible].'

Resolved, "That an humble Address be made to his majesty, that [illegible] be pleased to make a Provision for the prince and princess Anne of Denmark, of 50,000*l.* in the whole, for the year, beginning at Christmas next." Which was agreed to by the house.

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* "The Tories, who found themselves outwitted by the W[illegible] [illegible] countess of Marlborough; and at this crisis, [illegible] attachment to [illegible] interests. They had, in the former session, [illegible] the first movers for setting a Revenue [illegible] her highness for life, independent of the crown, and [illegible] so far [illegible], in the general [illegible]

The King's Answer to the Address relating to Commissary Shales.] Dec. 20. Mr. Hampden [illegible] therein. Which he had done, and had seen [illegible] find it necessary before he came, to make up his Accounts. And, that if his majesty had not given orders for his Papers, it should be [illegible]

Address on the State of the Nation.] Dec. 21. [illegible]

"We your majesty's most dutiful subjects, [illegible] ill conduct of public Affairs, and the unhappy [illegible] Ireland, as to your majesty's Armies and Fleet, do think ourselves obliged, in duty to your majesty, and in discharge of the trust reposed in [illegible]

[illegible] for that use: but it was postponed on the report, and in the end, defeated by the adjournment [illegible] the lord and lady Marlborough, could not bear [illegible] generosity, which, it seems, they had no opinion of, and therefore made a general muster of all who were willing to be adventurers in [illegible] be a secret: the court had soon intimation of [illegible] bomb, before it should have time to burst. [illegible] and in all manners; threatened with ruin; wheedled with promises of favour; and, at last, [illegible] the princess: that she (the princess) could not hope to carry her point; and, if she did not, [illegible] efforts to render it successful. Finding her thus firm, a new expedient was put in practice: the [illegible] ness an offer of 50,000*l.* a year, if she would de- [illegible] and undertook of himself to be a sort of guar- [illegible] ing, 'That he was confident he would keep his word; and that, if he did not, he would not [illegible] not think herself in the wrong to desire a secu- [illegible] for her.' This was peremptory; and all that [illegible] grity in those who have had the direction of the [illegible] made sure of a formidable party there; for several [illegible] others have been found unsuccessful: instead [illegible] with her partisans: the latter demanded 70,000*l.* a year, and the former offered 50,000*l*; [illegible] fluence of the crown, by reason of its depen- [illegible] effect of private cabals, it seemed, without-doors, to be the effect of fair and open delibe- [illegible] quis of Halifax) Mr. Finch, and Mr. Godolphin, [illegible] den, insisted, That it was dangerous to settle any Revenue on a princess who had so near a claim to the crown, independently of the [illegible] 'That an humble Address be presented to his [illegible] a provision for the prince and princess of Denmark [illegible] house; to which his majesty was pleased to answer, 'Gentlemen, whatsoever comes from the [illegible] particularly this Address, that I shall do what [illegible] struggle, was a breach between the two royal sisters, which never was made up: and it is [illegible] cess had tried, in a private way, what the king [illegible] ed." Ralph.

[illegible] and has been [illegible] ted, but [illegible] We cannot [illegible] grief upon the neglect of relieving Ireland, during the first [illegible] your majesty's ministers did not use such effectual means as were apparently necessary to have prevented a war in the said kingdom: and, when the earl of Tyrconnel had levied forces to oppress and destroy your majesty's Protestant subjects, neither men, money, nor arms, were, for a long time, sent to [illegible] their country; insomuch, that, without mentioning other particulars, several thousands of them perished miserably in the town of Londonderry, for want of timely succour. And when, [illegible] an army was appointed for Ireland, necessary [illegible] were wanting, and matters so ordered, that the [illegible] plies granted for that service, proved ineffectual; at the same time that many such experienced [illegible] your majesty and your government, were suffered [illegible] carrying on the War in Ireland.—The Miscarriages [illegible] Fleet, [illegible] as destructive to your majesty's and your people's interest, as those in the army; many of your majesty's subjects having been ruined, and others greatly damaged in their estates, by the want of station-ships and convoys; and some sea-officers, whose duty it was to have convoyed the ships of English subjects, exacted money, from merchants, and unnecessarily pressed their men; [p. 439.] by which means, trade was discouraged, your majesty's Customs diminished [illegible] poverished: your majesty's Fleet was also served with unwholesome and corrupted Provisions, [illegible] tedious to multiply instances of Miscarriage and [illegible] remedy, under God, consists in your majesty's wisdom, and affection to your people; which, we doubt not, will incline your majesty to hearken to the advice of us, your dutiful commons, [illegible]

Debate thereon.] Mr. *Howe.* I find we are [illegible] and this Address is to remove suspected persons. I have not seen [illegible] with another question; Who they are you suspect? Partly on one side, and partly on another, and a moderate party suspects them both. If you would remove all [illegible] all fair and brown, then I shall know who you mean. All that were for king James, [illegible] that are for [illegible] out and removed—Pray let the Address lie upon the table till it falls under the table: it is the best use you can make of it.

Serjeant *H*[illegible] prince of Orange's coming in was a miracle, and that those that [illegible] dress about Shales came to nothing, and, as for the Money you have given, I know not what is become of it. When Henry 4 came in, upon Rd. 2's abdication, a parliament was in being, but the writ fell upon it; but that parliament sat, and laws were [illegible] they made, and are laws to this day. The commons addressed, 'That his Confessor [illegible].' [illegible] joined with them. The king answered, 'He knew no fault by him, but since the commons [illegible] house to the displeasure of his commons.' There were two Popes at one time, and Europe was divided upon it; the commons made a request to the king to acknowledge the Anti-Pope. Now I have told you this, make what use of it you please.

Sir *Tho. Lee.* About a week since, you ordered this Address, [illegible] ordinarily unanimous in so great a thing; but it seems [illegible] in it than did arise at first. All this will require some consideration who you shall fasten upon; else, you will alarm the nation at the [illegible] Address, it will look like coldness: if the business of the day be retarded: you will hinder that great affair. I move, "That you will adjourn [illegible]."

M[illegible] by the late king. Some were very ill trustees [illegible] continue them still, you ought to see first who [illegible] a general Address, I doubt you will have the [illegible] man, 'It was one of the best acts one of the present ministers ever did, to endeavour a re[illegible] of Orange;' I think, those that did it ought to have no preferment; and you have some [illegible] be. I would not have all men either in Westminster-Hall, or Whitehall. Do you think fit [illegible] vern all the Army? If there had been a re- [illegible] common-wealth. The very papers in col. Sidney's closet, tending to that, judged him guilty of Treason. The people will find a head, or make a head. I am sure it is very natural, [illegible] they could to obstruct the Bill of Exclusion; not a man of them can draw ten men after them. When the prince of Orange came in, by the good will of the people, they were for a regency, and that is a common-wealth. I am for removing those, for, I am sure, they are for a common-wealth.

Mr. *Foley.* The Address, by your vote, is to be considered to-day, and last night the [illegible] now put this off? I see no reason for it; the sooner it is done, the people will be better satisfied. Pray go on with it.

Mr. *Hampden*, jun. Though it has been [illegible] know not the reason of it: it is incomprehensible to me: I would know the meaning of it.

Sir *Rd. Temple.* I fear, that, by this Address, you will make reflections on the government; you cannot cure it, now you have read it. Go to the order of the day, and read it [illegible]

Sir *Wm. Lev. Gower.* If this be pursuant to your order, we reflect on ourselves not to proceed: read the Address, paragraph by paragraph: But let not such a reflection lie upon us, to let such a thing lie still: and now to [illegible]

Resolved, That the Address be read a second time, paragraph by paragraph. The first [illegible]

[illegible] Now we are going [illegible] hard upon all the counties of England, they [illegible] into hands unsuspected. If the Address be not full enough to your opinion, recommit it.

Serjeant *Wogan.* I cannot call this an Address; it is a libel, in some part of it: pray re- [illegible]

Sir *Robert Rich.* I think, the gentleman calls it 'a Libel.' The commons now sit 'on the State of the Nation,' and a member calls it 'a Libel!' I move, that the standing orders of the house, in such cases, may be read.

Sir *Wm. Williams.* I am sure, freedom of debate is the life of this house. I must agree, that, if an act, or vote, of the house be called 'a libel,' it is a great offence: but when things are [illegible]

[illegible] offering to speak,

Col. *Birch.* Pray keep to order. If the [illegible] the house, then you [illegible] him, but not till then.

Mr. *Smith.* I will not justify the words, [illegible] man. I remember several expressions this session: I desire the gentleman may explain himself.

Sir *John Guise.* If Wogan cannot find wherein the order of the house is transgressed by the committee that drew the Address, it is a reflection upon the whole house. When within doors this is called 'a libel,' what will it be called without doors? I think there is so [illegible] you will continue king William, or call in king James. I would not have it slight or light, but it cannot be valued without doors. I would [illegible]

Serjeant *Wogan.* I humbly ask pardon of the house if I gave offence.—And so this went off.

Mr. *Foley.* I wonder gentlemen are for re- [illegible] with it. What has your committee to do to draw an Address without your instructions?

Sir *Wm. Williams.* The exception to it is, 'That it is not home enough:' I take it, it agrees with every particular of the debate. I took it for the sense of the house, that the committee should name no persons. If your committee had prepared you such an Address, [illegible]

Mr. *Howe.* I told you before, 'That the king would make no Answer to your former Address.' I suspect a sort of men about the king and queen that are not fit to be em- [illegible] men are fit to be entrusted, say so; but if the [illegible]

Mr. *Hawles.* I reflect upon nobody in the house; but, if it be your opinion not to continue those about the king, that had a hand in murders, say so. If they have given money for [illegible]

In the first Paragraph, the word 'inexpressible' was rejected. On the next, 'Direction of Affairs, &c.'

Mr. *Hampden*, jun. Lowther said, 'There was good counsel, but ill administration.' Was [illegible] into Ireland timely? If so, then there was [illegible]

Sir *Rd. Temple.* To what purpose should you put the king to examine it, when you have determined it already? To lay such a charge is not a necessary direction to the committee [illegible] such as could not be avoided. Here you assert 'Want of integrity and ability;' you settle [illegible]

Mr. *Foley.* When the prince of Orange came to the administration of the government, there was great store of ammunition and provision that came from Holland; and ships at Plymouth were ready, but nothing must be [illegible] people there to be lost, and, notwithstanding, all the Addresses, you had a Report that the provisions were bad, and, therefore, fit to be sold. I think the king has those about him that betray both king and people; and [illegible] be to blame? Lay the miscarriages before the king, and he can tell who were forward, and who were backward, in his service: and I think the Committee has done well.

Resolved, That the Address be recommitted upon the debate of the house, to the same Committee *.

Dec. 23. Resolved, That the house be called over to morrow fortnight: and that all such members as shall not appear, without a reasonable excuse, to the satisfaction of the house, shall have their names printed, to the end that the country may know, who do attend, and who do neglect their duty.

Dec. 30. The Speaker reported, That he had attended his majesty with the Address relating to the prince and princess Anne of Denmark; and that his majesty was pleased to return this Answer: "Gentlemen, Whatever comes from the house of commons is so agreeable to me, and particularly this Address, that I shall do what you desire of me."†

Jan. 3, 1689-90. Resolved, That the farther sum of one shilling in the pound, for one year, be laid on all persons and estates, charged by the two shilling Act.

Jan. 7. Upon a Call of the house, sir Jonathan Jennings being absent, and information being given, That he was lately made High-Sheriff of Yorkshire, a debate arose, and it was Resolved, nem. con. That the [illegible] any member of this house, to the king, to be High Sheriff, is a breach of the privileges of this house; and that an Address be made to his majesty, that he will be pleased to constitute another Sheriff for Yorkshire, in the room of sir J. Jennings.

Jan. 9. Mr. Cholmondeley, a member, [illegible] committed to the Tower, [illegible] contempt, in refusing to take the Oaths.

Debate on the Corporation Bill.] Jan. 10. An ingrossed Bill for restoring of Corporations was read the third time.

M[illegible]. That the Bill [illegible] necessary, no man but thinks. Sur[illegible] Charters are crimes notorious, [illegible] equally guilty of it. I tendered one Clause the other day, 'That those that did it wilfully [illegible], or for their own [illegible] ought to have a mark set upon them,' but not to extend to all persons alike. When I drew the clause, I considered the times and circumstances they were done in, those that [illegible] either to serve ends of their own, or those of the wicked times; I looked little farther, seeing London did defer their cause as far as they could: some men, through fear, surrendered what they could not withstand; therefore, to be liable to that small punishment, [illegible] out the word 'majority,' and made it general. I thought it too large; I have considered it since, that going so large is too far. My opinion is, to look back only on them who came voluntarily, without consent of the majority, and ought to have marks; and, after the City-Charter was taken away, it might induce the majority to surrender. I could be content to excuse those from this [illegible] cannot suppose they did it maliciously: therefore, as a friend to the Bill, I proffer a Clause, "For incapacitating, for seven years, all such as had any ways acted in the surrender of Charters of Corporations, from bearing any office in the said corporations."*

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[*] "Mr. Hampden's Address was thought by some too long, by others too short; Mr. Hampden the father spoke against it, as entering too far into the detail of Miscarriages and Misfortunes, [illegible] having, but for fear things should be mentioned." Oldmixon.

[†] "In December a question was put in the house of commons, 'Whether a person having a place at court, or any dependance on the king, should be a member of that house?' The debate was warm and obstinate; for, as it [illegible] persons [illegible] the disgusted and disappointed joined with the enemies of the government, to keep others out of places, [illegible]. The question was [illegible] carried for the place-men, and this reason given, 'because otherwise the fittest persons for public employments would remain excluded, and be debarred the opportunity of serving either the king or the country.'" [illegible]

[*] "In this situation of affairs, the Whigs [illegible] that the Tories were [illegible] the court about the dissolution of the parliament. Though the commons [illegible] supplies that were demanded for the reduction of Ireland, and for the quota to which the king was [illegible] by his alliances, yet the [illegible]ness of the funds making it necessary to offer great premiums to those who advanced [illegible] money upon a security that was thought so hazardous, since few believed the government [illegible], the Supplies, though [illegible] great, brought not in the [illegible] they were estimated at. This the Tories perceived, and seeing the Whigs [illegible] that they would make no advance of money, they applied to the court, and promised [illegible] vances of money if the parliament [illegible] solved, and a new one summoned. Upon this the commons prepared a bill, "for restoring Corporations to their ancient rights and privileges," which they hoped to have made safe [illegible] prerogatives, for in it was inserted the following Clause, "That every mayor, recorder, sheriff, common council-man, town clerk, [illegible], or officer, who did take up[illegible] to consent to, or join in the surrender of any

Sir [illegible] I am against this Clause. [illegible] great measure, it is a good bill; but this clause [illegible] kingdom; instead of reconciliation, it lays the foundation of perpetual division. I think it [illegible] this a Bill of peace and quietness. In Hackwell's Book, I find, 'Where proviso and clauses are contrary to the matter of a Bill, and altered, as in a Bill of Clothing, the house disliked a clause, and threw it out.' Upon [illegible] not, I desire the clause may not be read, but [illegible]

Sir *Walter Yonge.* I am for the clause, for the reason Clarges gave, 'For the peace of the kingdom.' Where a clause is so fair as [illegible] approve of all the villainies of the surrenderers. Those who would have brought in popery and slavery if they had power, would do the same thing again. They abhorred parliaments, and [illegible] remedy. When such a clause is offered, that [illegible] jected.

Mr. *H*[illegible] [illegible] shall [illegible] move [illegible] and gets into the merits of the Bill: the proper question is, 'Whether this clause shall be read?'

Mr. *Roberts.* As this bill is now, it is a most pernicious bill. It came a good bill from the committee, but the additional Clause has spoiled it. It was brought in in a thin house, and, I hope, you will reject it in a full house.

Sir *Christ. Musgrave.* Pray keep us to the question, Whether you will read the Clause? [illegible] be told of 'justifying all the villainies that have been done.' I think, with submission, you ought, Mr. Speaker, to correct such expressions. I think this Proviso not capable of [illegible] Sacheverell told you, 'It must be proved that the [illegible] a difficulty; for, he knows, whole books have been stolen away by the town-clerk; and a man runs the risque of proving himself qualified, without any record to show.

Lord *Falkland.* I think Sacheverell's Clause irregularly brought in, and, indeed, the whole Bill, when you had passed the body of the bill; and this clause is a contradiction to the whole bill. This clause takes away the rights of [illegible] Orange's circulary Letters. It is dangerous, [illegible] kingdom.* [illegible] discontent such a body of people. I am [illegible] people are generally dissatisfied. This bill is a restoring of Corporations, and not a bill of [illegible] for this bill, and for the present circumstances of affairs, and I would have it rejected.

Sir *Wm. Pulteney.* I attended this bill the last session, and this, which, I must say, he brought in irregularly to take away free-holds, and disfranchise men, and this without leave of the house; a very extraordinary proceeding! [illegible] dangerous at this time. The bill says, 'They [illegible] 'They shall not be restored;' a contradictory clause! Whole shoals of men will be put out by this, many terrified, and no reason to punish this sort of men. Suppose an armed force [illegible] my house, and say, 'Give us quarters, [illegible] we will plunder and burn your house:' [illegible] Twelve red coats in Westminster-Hall are as great a terror as an armed force. I am not

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charters, or instrument purporting such surren- [illegible] the nature of *Quo Warranto*, by this act declared unlawful, shall be and is declared, ad- [illegible] fice, employment, or place of trust, as a member of such respective body corporate, or in or [illegible] cinque-port, whereof or wherein he was member at or before the time of making such surrender, or instrument purporting such sur- [illegible] the nature of *Quo Warranto*; any thing in this act contained, or any other case, statute, or any ordinance, charter, custom, or any thing [illegible]

This was opposed in the house by the whole [illegible] They said a great deal against the declaratory [illegible] be in that, they urged, that since the thing had been so universal, it seemed hard to punish it with such severity: and that by this means the [illegible] this Bill passed; and the Tories were not wanting in their promises, if the bill should be stop- [illegible] was carried in the house of commons by a [illegible]

[*] His majesty had declared his intention of going in person to carry on the war in Ireland.

fond of falling upon Addresses and Abhorrers. [illegible] the way to [illegible] [illegible] the king nor the government. You have several precedents [illegible] the body of the bill) yet if a clause be not according to the intention of the bill, it may be thrown out; and I would reject this.

Mr. *Hampden.* I have heard of one parliament that has arraigned another, but never heard of one parliament that has complained of itself to its own face. Your bill says, 'All such and such shall be restored, except such and such;' and it is no contradiction certainly. Do you intend to [illegible] and [illegible] the same thing again? You are told, 'It may be taken care of in the bill of pains and penalties;' but will you restore them to Corporations that have betrayed them, and let them do it again? The proviso cannot be rejected. Now you are told of precedents; if they are examined, they are not to this point. I do not remember a whole clause cut off in a whole Bill. What you have to mend in an ingrossed bill must be mended at the table. It is a strange sort of mending a garment to cut off a sleeve. It is said, 'This may be reserved for the bill of pains and penalties,' and there will be none. Pray pass the bill.

Serjeant *Maynard.* I have heard that to-day which makes my ears to tingle. The case is, here is a bill brought in to restore Corporations, and it is moved, to cast out this proviso. It has been committed, and ordered to be ingrossed, and a gentleman comes and prays that it may be thrown out, certainly he is but a young parliament-man. To move to cast out the whole clause, you put it on an everlasting debate; if there be no penalties, you had better like what king Charles and king James did. If those Surrenders stand, they may make what parliament they will at court; and, formerly, he that should have named such a thing, should not have come to the bar, but gone to the Tower. Why may they not as well move to cast out this [illegible] and another clause, till they have left none in the bill?

Sir *Henry Goodrick.* You are told of 'making ears tingle,' and of 'the court making a parliament;' and by another, 'to justify all the villainies, &c.' It is a bill not good in itself to let in all mankind into Corporations; fanatics, &c. If all these must be left out of Corporations, whom avarice, force, and easiness have induced to surrender their Charters, if all these must be left out, whom will you leave to act; whom will you leave to chuse parliament-men? None. Harmony must save us; when this is a bill of heat, a bill of attainder, where will this end? No man knows. Till you let us debate freely in this house, I desire to withdraw from my attendance. I would have Yonge explain, or be called to the bar.

Mr. *Garroway.* It is moved, 'That Yonge should explain.' If the gentleman would have made exceptions, he should have done it immediately. The house has been disorde[illegible] [illegible] against all order.

Sir *Tho. Clarges.* Yonge is a young gentleman, and, I believe, what he reflected on was passion; and I would desire you to pass it by. I have been told by Hampden, 'That I talked like a young parliament-man:' I [illegible] make his words good. I wonder at this from a gentleman conversant in records for Hampden to say, 'It has not been done in his time,' when it has been done in great emergencies it may be [illegible] sat from nine till four in the morning about Skinner's Case, and I remember what Mr. Vaughan said, 'That precedents cited without records were so many nothings.' I have not yet spoken to this Clause. What I said was only as to precedents. I know a corporation of 600*l* per annum advised by this lord [illegible] justice to surrender, or else, if judged against them, the lands would go to the [illegible] the greater, &c. Hundreds of innocent persons would have been [illegible] [illegible] p. 64, &c. you will find the precedent I spoke of. I will make this use of it; if it appears that a whole proviso is taken out of a bill, it may be done again.

Sir *Wm. Williams.* The motion made is for rejecting the whole clause. It is one thing to reject, and another to correct a clause, to be amended by the clerk at the table. If the whole clause ought to be recommitted, you [illegible] thing be [illegible] before you wholly reject it. This clause is an exception of some [illegible] restored. Do you restore them to their franchises? What are these franchises? Will you restore these men, who [illegible] men, and betrayed their trust, into the plight [illegible] places again? Is there not a middle way? I agree to [illegible] you put it again into the power of the greater? I would make them the lesser men, and take off the greater. By this day's work the world will see we are a divided people. This proviso sets only a mark upon such men. In some Corporations, of 600, who had a right to give consent to a surrender, not above 34 were for it; and they prevailed: and how came this about? This was a packed Common-Council by lord Jeffreys. There are 500 still in being at Chester against the surrender, but because a few in corporations are concerned, must you let the whole be lost for the sake of a few? Can we forget the law for regulating corporations? Can any thing be said for this, [illegible] cannot for that? Because dissenters, in the first regulation, were put out, and the church [illegible] [illegible] that would go back [illegible]

The Clerk read some precedents of [illegible]

'Ordered, That a clause be erased out of the 'ingrossed Bill for Cloathing. In the Bill for 'repealing the clause of the statute about [illegible] 'the counsel on both sides, to be struck out; 'which was presently done at the table.'

Mr. *Howe.* I am almost afraid to speak; it [illegible] be of every man's opinion in this house. I hope all here speak their opinions candidly. I did hear a reflection that I wondered at, and that I would not have made, (Goodrick on Maynard.) I would have the church of England settled, without their passive obedience. I would never willingly part with any thing [illegible] men have delivered up their charters, depriving of their right children unborn. The ques- [illegible] such as were for court purposes; I would secure it on that side, though I hope it will never be attempted there. Those who are sure to be subject to those passions, I would not trust [illegible] be, when such men are the originals of our misery? It was that party that the prince of [illegible] ther now. I am sorry the expedients are refused, but if you put it to the question, 'Whe- this Clause, or this Bill pass,' I cannot let so useful a clause be lost. I think this is no punishment; it takes off a great trouble from [illegible] The properest thing you can do, is to put them [illegible]

Mr. Solicitor *Somers.* As for the precedents produced, they are not to this case; the case of the Ferries relating to a particular person where counsel was heard, and both parties [illegible] part of the bill. If the question be, 'Whe- [illegible]' it is undoing what you have done, and I dare boldly say, there never was a precedent of such a thing. The house are obliged to answer the objection (and not I) to the irregularity, for they admitted it. To destroy corporations, [illegible] are complained of for it. This is the worst means to arrive at the worst ends imaginable; they have broken their oaths and trust to subvert the government. Is there any thing more [illegible] out of condition to play the same trick again! [illegible] new electors, to supply the place of those ill men. If they have a mind to betray you, [illegible] Test-Act. Are not these the ways you distinguish them from the Church of England? None others can come in. I am sorry it should be said, 'Nobody is fit to be trusted but such [illegible] will be as just to the government as they will be to the Church, true Church of England-men. All those men that were in the first part of this matter, were either for private ends, or worse ends: though I hope it was [illegible] by Church of England-men; they can have no others. It is said, 'This is a bill of pains [illegible] ence in this proviso; you will have better men and unspotted men in their stead; therefore I would not reject the clause.

Mr. *Foley.* The question is, Whether this [illegible] parliament to subvert all our constitutions. There was a design for a clause in a bill, 'That all Corporations should surrender their Charters by such a time, or else they should [be [illegible] in all towns, &c.' Had that design succeeded, [illegible] Your Books will tell you, it was not in the [illegible] tion. It was part of this king's Declaration to restore all corporations to the condition they were in before the *Quo Warrantos* and sur- [illegible] concerned that the same thing may be done again. Men have done all they can to anni- [illegible] nihilate, but restore these men. If there be [illegible] they have done, they will take this for a very [illegible]

Mr. *Ettrick.* This proviso is a new law tacked to the bill. This bill is a substantive bill, and will stand without this clause. I [illegible] bad together. What could any man advise in such a case, when Westminster-Hall had [illegible]? And, therefore, a great man, for the benefit of [illegible] the matter of prudence, if all have been guilty, I [illegible] gether.

Mr. *Finch.* I conceive, you are to consider, whether, first, you can, and next, whether you ought to receive this proviso. It is said, 'It came by report from the committee upon the precedent spoken of;' but upon the Jour- [illegible] back, and could do nothing, and the parliament leave it out and pass the act. It is not what the counsel at the bar agree, but what the parliament thinks fit, not because they agree it, and no counsel at the bar can touch upon the power of this house. It is natural to make a slight amendment at the table. I wonder I say any thing to the method of bringing in this proviso; the house did receive this, and voted it to stand part of the bill. I could wish the house had been fuller then, but the house may reject it now, and I hope they will. I doubt it is not capable of amendment. It leaves men under the terror of the 500*l.* penalty, if they do not incapacitate themselves. It was a fault, but it was general. It is said, in the preamble of the bill, 'The design was to pack parliaments,' and it is said, 'This Clause is to incapacitate persons that they should not be guilty of the like again.' Most gentlemen are sensible that the most [illegible] of surrenders were after the *Quo Warrantos*; 'upon this,' says the bill, 'there was a design to pack parliaments.' It was not this that put them upon taking away the penal laws and the Test, it required another regulation. It was after all the regulations, that these men stood in the gap. It puts corporations as they were in 1675. If these men be put out of the bill, you put out the men of estates, and the ancient corporations are put into the hands of men of little or no fortune, and some call them the *mobile.* There is a clause in the bill that declares all Surrenders void; where is the danger of these men doing the same thing again? The former are in their offices and employment again. Leave this clause out, and you put in the rich men of the Corporations, and if this stands part of the bill, you put those in of no estates, and that have given no testimony of their affections to the government.

Sir *Robert Howard.* Instead of punishing men that have done ill, we are here making eulogiums on them. I am not for the Church of England with that famous doctrine some maintain. In queen Elizabeth's time, when she protected those in arms in Holland for their religion, the Church of England contributed their opinion as well as their money, and thanked the queen when she acted according to the steps and withstood Popery. Then the divine right of passive obedience without limitation. If ever so many tyrants were complicated in a king, he must be obeyed. It was then they began with Corporations; I say, these were taken out for doctrines of the Church of England, and [illegible] to the civil execution. This was setting up that false doctrine of the Church of England.

Sir *Fr[illegible].* [illegible] the orders of the house [illegible] to the debate.

Sir *Robert Howard.* I arraign those that [illegible] the Church of England [illegible] doctrines; these men prepared Corporations to deliver up [illegible]. These [illegible] presentations of the Church of England's doctrine made way for those misfortunes that [illegible]. This was the first cause, whatever [illegible] sacrifice lives, and for the times, [illegible] by this doctrine of non-resistance. [illegible] is now, Whether you will [illegible] these people, or no? What think you [illegible] would say to all this? In the [illegible] the Bill such a thunder, and so hard [illegible] put upon men, and to close the [illegible] thing! And now to fix not only [illegible] but a character, that they are [illegible] employments! I have abhorred what was done in the late times, but rather than this [illegible] of incapacity shall be put upon these [illegible] would part with the whole bill.

Sir *Tho. Littleton.* I would have this incapacity extend to none but such as forcibly delivered up the Charters, without consent of the majority.

Sir *Henry Capel.* It is said, 'That something of fanaticism is in this bill, by taking away of that Clause of the unlawfulness of taking up arms, or resistance, &c.' I said then, 'If Marshal Turenne should come out of France to invade us, should we not resist him?' Why did they not do their duty when the prince of Orange came over? Did these gentlemen ever think to fill justices of peace and judges, papists? Lewis xi had [illegible] raise money till he called a parliament, and he never called one, and money has been arbitrarily raised without parliament in France ever since. You should have had parliaments, your bellies full, as Florence and Rome now have, the one to set the rates on chesnuts, and the other to regulate sick people.

Mr. *Coningsby.* Surrenderers were the scaffolds, and regulators were the builders; will you leave them out?—The Proviso was rejected, and the Bill passed.

Debate on sir Robert Sawyer's Prosecution of sir Tho. Armstrong.] Jan. 18. Mr. *Hawles.* A writ of error is a writ of right; and I am sorry it was left out in the Bill of Rights. How scandalous is it, when a man guilty of the murder of sir Tho. Armstrong should be protected within these walls! Warrants were directed out of this house for attaching lord Stafford, and he complained of it in the lords house as a breach of privilege, but the lords would not hinder the proceeding. They said, 'They had no privilege in those cases.' If you say, 'You cannot name a member without order at a committee,' you must recommit this bill for repeal of sir Tho. Armstrong's Attainder [illegible] of right. I do not understand it to be satisfaction for the estate of this person, but for the blood of this person. I would have the money for those that suffered, and those that [illegible] it. Why is it enquired, what this [illegible] is worth? An Appeal may be brought by an infant, and he had 1500*l.* for the blood of his ancestor. In the case of Sacheverell and Backwell, a writ of error was brought, and there was damage given for the blood [illegible]. They that destroy the king's subjects, act against the king. He that preserves most of his subjects does him most service. In his natural capacity, he may destroy whom he pleases; in his politic capacity, those who are most guilty only. Armstrong offered a plea, and it was not allowed, and you have voted it 'Wilful murder.' When the thing is so plain, (though I would not punish for mere error) and you have voted it 'Murder,' sure it must be in somebody. Armstrong did not hang himself and afterwards quarter himself; indeed sir Edmundbury Godfrey strangled himself, and afterwards stabbed himself! Were the judges and prosecutors guilty? They were all guilty. I am not for rigour, though blood cries for blood. Let them that received satisfaction have the money, and let all be reported to you.

Sir *Robert Sawyer.* Let all persons guilty suffer; but the question is, 'Whether I have been dealt withal by the committee as a member?' When the Bill was committed, a charge was brought against me, 'That I had proceeded against sir T. Armstrong arbitrarily and illegally.' It was said, 'it was ever the duty of an attorney-general to grant a writ of error;' but it was never done in any book of law. Application must be made to the king by petition, and he gives a warrant to the attorney-general to consent to it. The statute that gives the writ of error runs thus, 'Except in cases where the king is a party.' Ed. 3. The parties petitioned for error *tam quam.* It is a received opinion, that a writ of error lies not in those cases. Before the statute of Hen. 8. there was no writ of error but in the King's-bench, and all was by petition to the king. I did not desire to attend the committee because I opposed the Bill; they have waved that clause, but I am not exempted; you may hear it at the bar, and I am not exempted from it. It is the duty of every attorney-general upon an outlawry brought, and of course it is his duty to pray judgment of the court, which asks what he has to say. If he produces a plea, then the attorney replies. But that is an extraordinary thing to allege what Hawles says, &c. I desire there may be the strictest examination of my actions. No man can serve the crown, if he is an honest man, if he must be hanged for all the miscarriages of the Judges.

Mr. *Hawles.* Pray let it go back to the committee, with the directions of the house to find these men out, and spare me not if I be one. Upon the plea, the outlawry ought to be laid aside. It is the duty of the attorney to [illegible] the court in running into an error.

Sir *Wm. Williams.* I shall speak to the recommitment. If you recommit this upon breach of privilege, for naming Sawyer at the committee without acquainting the house, we go in a wheel; you only send it back to the committee to do nothing upon it. If it be your opinion, that is a breach of privilege upon Sawyer, he may be heard at the bar. It is fit that you put yourselves into some course. You cannot regularly send your member to a committee without instructions. Pray let us have plain dealing; will you recommit the bill with instructions? Else your member must be heard at the bar. You are told, 'There can be no writ of error in criminal cases where the king is a party, but by a warrant from the king;' but I take the law to be quite otherwise. He goes farther, and tells you, 'When the party brought either error, or a plea, he ought to have a warrant from the king, &c.' I drew the plea, though I was told, 'It was a snare for me,' and your Vote calls it, 'Murder, &c.' [illegible] When the plea was tendered, [illegible] 'that the plea should not be received?' This is the answer of the attorney-general; all is put upon the dead (lord chief-justice Jeffreys) and the dead must answer for the dead, and 'the dead burys the dead.' If any had executed the part of an executioner, they had done it all. I was asleep in the court. I heard not of it. Pray let us have it heard at the bar to-morrow.

Sir *Tho. Clarges.* I would recommit the bill upon the point of satisfaction and reparation. You are told, 'A great part of the money (Armstrong's estate) is to his heirs, and [illegible] the Attainder;' and if any satisfaction is to be paid by any of your members, recommit it upon that point.

Sir *Robert Rich.* Before you put any question, I move, that the Order by which your committee sat, may be read.—[It was read.]

Mr. *Smith.* I move, to recommit the bill upon that point of reparation. I am satisfied that Armstrong suffered illegally, and I am willing there should be consideration had of his family, what might have been proper in the Indemnity. I think it not reason that there should be reparation out of Sawyer's estate, nor is he concerned.

Sir *John Lowther.* As for reparation, it will be found a thing not precedented, and as for the writ of error, we are not clear in it, therefore I would have it committed again. Though several precedents have been cited by Hawles, yet no precedents of parliament, but all of Westminster-hall; if those should be precedents, they may instigate Westminster-hall to do the same thing again. I would willingly have precedents of Bills of Repeal of Attainder signed by the king, and sent down from the lords. Lord Russel's was so. To take an estate, descended to the right heirs, to be forfeited, I never heard of that before. Should this make a difference with the lords, the bill is not worth that.

Sir *John Guise.* It surprizes me that the house is not of the same opinion they were formerly of. You may have a member in the case, and, it seems, to-day, a member is not to be named, but if a member comes in the same circumstances as others, did I think I sat in the house with a murderer, I would not sit till I had thrown him out. I would recommit it upon the debate of the house. You ought to do justice to yourselves, that a man, guilty of murder, should not sit with you: let it be heard at the bar.

Mr. *Hampden.* I saw a learned plea drawn

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in that business; but pray let not reflections go [illegible] upon the profession of the law. Great persons are descended from the law, and it is a very honourable profession. Our common law is founded upon reason. What law may do in *meum et tuum*, and conscience is very much enlarged.—Formerly, at least, what a lawyer said, must be probable for his client, but let it be how it will in this. But will you allow a lawyer in point of argument betwixt the crown and the subject? Is he not [illegible] to say what the law is in that case? It is true, in a doubtful case, the counsel ought not to do it; but, as to restitution, suppose a man killed a very poor man, do you think he owes nothing to the wife and children? nothing to reparation? If not, I have mistaken all the rules of justice. I say this, because I see those things have not their true value; they are under-valued; therefore I would lay it aside.

Sir *W. Williams*. I am for enlarging your instructions to the committee. I am for naming persons, but whatever persons come by description, within your Order, I would have examined, besides the three Judges; for I believe more were guilty than Burton and Graham. What was their crime? They went only from Whitehall to Newgate, and so to Westminster, like porters of the business; these are solicitors, these are attorneys, the prosecutors are the most guilty. Let the committee have general instructions. Your committee will make no reflections, but according to the right and custom of parliament, and the laws of England. No cause can be just on both sides. As the law stands, the prisoner can have no counsel, and when he has none, he that does prosecute without law against him, is a betrayer of the law.

Lord *Falkland*. I crave leave to add one case to Williams's, that of the prosecution of the Bishops, wherein our laws and liberties were concerned, which he prosecuted.

Sir H. [illegible] Where there was counsel on both sides, I might be counsel.

Sir *Robert Cotton*. What concerns your member, you ought to [illegible] to the question, Whether the committee shall have Instructions to enquire into that; and now you leave them to [illegible] ' That all this fencing was not to save Sawyer, but Finch.]

Col. *Birch*. I am never more afraid of Miscarriages than when it is our own concern. I know not what recommitment you mean, unless you tumble it to a committee to do nothing again. You named three or four, and your committee named a member, and you say, ' That is a fault.' This prosecution of Armstrong was more criminal in the solicitor and attorney general than in Burton and Graham to fetch and carry. But here is murder in the case, and you are going out of the way, unless you give leave, nay order, to read it at the bar. Solomon says, ' There is nothing new under the sun.' This may come again to you, for ought I know, therefore settle it now.

Mr. *Boscawen*. The committee ought to have made a special report. As to your mem- [illegible] ber, right, unless you give a day at the bar to hear it: and it is as necessary that the house [illegible] Vote [illegible] ber himself.

Sir *John Trevor*. Armstrong was my particular friend, and I am willing to do any thing for the satisfaction of his family. What will you do with it at the committee? Specially examine it? If your member be injured at the committee, then is your proper time to hear him at the bar: as it is just that the family should have reparation, [illegible] particularly made out. It is true, you cannot make particular satisfaction for blood, but for his estate, if you recommit to enquire specially, and let them make a special report, then your member may justify himself.

Sir *Henry Goodrick*. I speak to your order; and what becomes of your committee's Report? I see, you cannot appoint a charge against your member, without a report, and the committee has given you none; therefore, I move, that if any charge arises at the committee, they may make a special report.

[illegible] to be heard, I am ignorant why it should be denied. I must expect something singular, [illegible] something to the ministerial matter, as he was a lawyer. Privately to give opinion that charters could not be delivered up without perjury, and yet to plead and use all the eloquence against the thing! If the profession of the law gives a man authority to murder a man at this rate, it is the interest of all men to rise and exterminate that profession. I would know what Sawyer can say.

Mr. *Dolben*. I find there is great stress laid upon Sawyer's being heard at the bar; but I [illegible] without accusation of himself. It is plain, that [illegible]

Mr. *Hampden*. Whether you will go to a committee for examination, [illegible] will hear it at the bar, how your member is concerned, it is a question without a question. Nobody will be willing to be judged at a committee of 7 or 8 persons in a chamber to examine a member; or, in general, when a member has been concerned, it was never done, but [illegible] is strange a committee should examine a mem- [illegible] perfection, you may hear your member answer in his place, and appoint a day for it. You yourselves cannot impower a committee to examine a member; it is the privilege of the house, and the privilege of every person in it. If a [illegible]

[illegible]

mittee.

[illegible]

executors afterwards?

[illegible]

they ought to answer for themselves. [illegible]

[illegible]

order them to appear then.

[illegible]

Pray let it be Saturday.

[illegible]

tend this house on Saturday next; to answer to such matters as are charged upon him, touching the proceedings against sir Tho. Armstrong. Ordered, 2. That sir Samuel Astrey do, at the same time, attend the house with the Records of the proceedings, both upon the Outlawry, and the awarding execution against sir Tho. Armstrong."

Then Mrs. Matthews, (sir Tho. Armstrong's daughter,) was called in, and asked, 'What she knew of the prosecution against her father; and, who were the prosecutors?'

Mrs. *Matthews.* "The judges were Jeffreys, Wythens, Holloway, and Walcott; Sawyer, Burton, and Graham, prosecutors. I was with Sawyer for a writ of error: He said, 'Your father must die, he must die; he is an ill man.' My mother was ready to pay him all his due fees, but he said, 'He must die, he must die.' When my father was brought to the bar, the chief justice asked Sawyer 'What he had to say?' Sawyer prayed an award of execution; which was done: My father desired that the statute of outlawries might be read. He said, 'He thought it was plain that he was come in within a year, &c.' Said Sawyer, 'sir Thomas Armstrong will not find any thing in the statute to his purpose; Possibly he will say, he surrendered himself to your lordship, but, sir Thomas, you should have surrendered yourself before you went out of England;' and he alleged Holloway's case. Said the chief justice, 'We have enough against him.' Said Sawyer, 'The king did indulge in Holloway's case, but Armstrong was active in the fire at Newmarket, and he has received dangerous letters,' whereas they were no more than a recommendation to the duke of Brandenburg."

Sir *Robert Sawyer.* Be pleased to ask her, if, when she came to me for a writ of error, I told her, 'It was not in my power; she must petition the king?' And whether I demanded execution till the court had declared their opinion? and whether, after he said 'He had surrendered himself,' I demanded execution?

Mrs. *Matthews.* "I believe Sawyer said, 'It was not in his power to grant a writ of error,' and did say, 'You must apply to the king, or lord keeper, by petition.' The king and the duke said, 'It was an impudent petition.' I cannot say, Sawyer demanded execution before the Judges had declared themselves."—She withdrew.

Sir *Robert Rich.* You will hear those in the house, sure, as long as those out of the house. Before you debate your member must answer, and then withdraw. If by law, the member can justify himself; if the contrary, he may say something in mitigation. If the warrant of execution was signed by that demand, let him tell you whether it was by himself, or any body else.

Sir *Robert Sawyer.* I shall only observe, that the person who informs you of this, is single, and a person interested, when they might have produced multitudes of persons, and that will appear. I did no more than my duty. She said, 'I told her Armstrong must die, and that he was an ill man.' I call God to witness, I said it not, nor used such language. I said, 'I had no power to give a writ of error; it must be obtained by petition to the king.' As for my management at the arraignment, it was according to my oath and duty to attend the court. Every tittle of what passed was printed in three days, and went all over England. It was not only lawful, but my duty, to put Armstrong upon trial, to hear what he could say to the record of the outlawry, and I prayed judgment: if he had nothing to say, it was my duty to pray execution; I went no farther, not a tittle in this business. Armstrong quoted such a statute, and it was read in court. 'Has he rendered himself to the chief-justice?' 'No.' Armstrong said, 'I now render myself to your lordship.' This is the fact. I never argued to incline the court one way or another. The king indulged Holloway, but he had that against Armstrong that he could not allow it. It was my duty to demand judgment of the outlawry. The clerk of the crown will satisfy you fully.—He withdrew.

Sir *Robert Clayton.* I observe, Sawyer, before he went out, excused himself by the forms of the court, 'That he asked for execution but once;' and that, after the statute was read, and Armstrong said, 'He surrendered himself,' he sat down and said no more. I take it not for his crime to do his duty, but he ought to have informed the king what was law; for asking the thing contrary to law, the crime was charged; he had direction from the king. I think he comes well off to make satisfaction to these poor creatures, his daughters.

Mr. *Smith.* Sawyer tells the king, 'Armstrong ought to have a trial;' but does it appear that he offered any thing before the court had declared? Unless there be farther matter than I see yet, I find him not criminal.

Mr. *Hawles.* I did persuade Sawyer to give these ladies some money, and prevent the matter from coming here.

Sir *Henry Goodrick.* I hope Sawyer may come off; but for a member to make bargains in point of blood, is a strange thing, and ought to be taken notice of.

Sir *John Guise.* We are all about giving them something for the blood of their father, and it is no strange thing.

Mr. *Hawles.* I formerly cited the case of Blackwell and Sacheverell. Some say, 'I encouraged this matter;' and I have had hard words given me for it. As for Burton and Graham, they only brought Armstrong up, &c. but for an attorney-general, when he has the statute before him, how comes it to pass that he must [illegible] rules of common honesty? I wish this gentleman had been as free in sparing blood, as we are in pursuing it. This was error [illegible] and when so, the attorney-general ought to consent to reversing the outlawry, or to the demurrer. The statute says that to him, 'If he comes in in a year and a day.' The attorney-general ought to consider whether the fact was true, or not; if not, it ought to be reversed. I [illegible] Mrs. Matthews, Armstrong was condemned before he came into court. He said, 'He is an ill man, and must die.' Suppose the king tells the attorney-general, 'That is an ill man, let him be hanged right or wrong,' he is bound to pursue the interest of his client, and it was for the interest of the king to preserve [illegible]. He ought to have retracted, and told the court, there was error, and he might have had his writ. If it goes upon the justice of the house, it goes hard with Sawyer, not [illegible] Mrs. Matthews' petition, but something [illegible].

Sir Robert Cotton. As Sawyer did his duty to the king, so he did to the prisoner. He asked the court, 'Whether he did surrender himself?' which put both the court and the prisoner in mind of it. He pressed not exe[illegible]. If this was his duty, he was not to blame for [illegible]. He put the court in mind that there was something in this surrender. What he said and what he did at court is only before you; and he did his duty to God, the king, and the prisoner.

Sir John Guise. Sawyer has confessed a worse thing than he has been charged with. He told Armstrong, 'He had more evidence against him than against Holloway.' If Cotton takes the evidence right from the bar, it is of another sort than he contradicts. Sawyer is not accused for prosecuting as attorney-general, but he might have done the contrary. Are not persons to be judged upon the whole, and [illegible]? The most abominable part of an attorney-general he has acted. It is a small recompence to the family to have a fine for the loss of a man that might have been considerable in the world. Pray let him be [illegible] into the Bill of Indemnity.

Sir Joseph Tredenham. The demand of judgment was not Sawyer's crime. He opposed not the reading of the statute. I would put no hardships upon persons who serve you in the [illegible] of justice.

Mr. *Foley.* If your member was not a prosecutor, I wonder how Burton and Graham [illegible]. Did he demand execution before the 12 months were expired? That is his [illegible] Sawyer upon that [illegible] the statute ought to be read; your member said, 'That will do you no good,' for Sawyer pressed execution; and that is his [illegible] [illegible] examples.

Mr. *Hampden*, jun. I wonder it should be insisted upon, 'That demanding judgment [illegible].' I would demand, whether the Jews were criminal for demanding judgment against our Saviour? When king Charles 1 was tried, solicitor-general Cooke [illegible]—I make no comparison.) But I ask, 'Whether nobody can be murdered but a king?' We have a new sort of monsters in the world, haranguing a man to death; these I call blood-hounds, that make s[illegible] Sawyer [illegible].

Mr. *Garroway.* I speak to discharge my conscience: I will not have the blood of this man upon me. I [illegible] Everis, who decoyed and brought him off. They had [illegible] came in. There was a year and a day for him to appear, and plead, to reverse the outlawry. Sawyer demanded [illegible] against him, and execution. I believe Sawyer not so ignorant a man as not to know [illegible]. I believe him guilty of the death of this man; do what you will with him.

Mr. *Boscawen.* When Armstrong demanded the benefit of the statute, Sawyer said, 'That will do you no good.' Was not that a perverting judgment? To have an eloquent attorney-general tell what is law! Whoever perverts judgment, I shall never excuse him.

Mr. *Smith.* This gentleman takes a thing for granted that [illegible] Sawyer said, 'The statute would do Armstrong no good.' I suppose, you will take it for granted, the gentleman may be mistaken, and [illegible] law. Suppose I draw a sword to defend a man, and he be killed, must I be hanged for him? If Sawyer, after the statute was read, did demand Judgment, I shall pronounce him [illegible].

Mr. *Boscawen.* I appeal to the long-robe, whether, on a murder, the wife and children are not good witnesses against a man?

Marquis of *Winchester.* As to the mistake, Sawyer said, 'He refers himself to the prints.' Pray let them be seen. Sawyer said, 'The statute would do him no good;' and made a long speech after. This person is not fit for the king's service.

Sir *Wm.* [illegible] all the passages at the print, [illegible] the court upon the trial.

Sir *Wm. Whitlock.* I am against all manner of [illegible] the statute read, not to be convinced! Would the judges have been so hasty [illegible] unless he had demanded judgment? I believe lord Lovelace had been destroyed if Sawyer [illegible].

Sir *Christ. Musgrave.* I would know, whether a printed trial be evidence? If you read it, you will make a judgment. I think it not for the honour of the house to read it. If it be no evidence, why will you read it? You cannot [illegible]. We [illegible]. If [illegible]. The person, Mrs. Matthews, who [illegible] to have benefit by it. You may have persons of [illegible]. It is said, 'That Sawyer refers himself to the [illegible].' We [illegible].

Sir *Henry Capel.* I desire that Westminster-Hall may not be a rule of evidence for this house. They are an inferior court; we, the great inquest of the nation. I will not appeal [illegible] here has equally his judgment. I think, Sawyer [illegible] peals to it, read it.

Sir *Wm. Williams.* The question is, 'Whether the woman is in the right, or the print?' It [illegible] not.' A hundred were by; that passes for no- [illegible] against him, and the fact against him; therefore put the question.

Sir *Tho. Littleton.* I am satisfied that every one of these prints is true, for they are like parts in a play; every body pauses upon his [illegible] Sawyer, who said, 'He must die.' If that be really so, and if the witness speak true, it looks like a designed thing by his answer. The sta- [illegible] there was evidence against him.' Armstrong was tried in a cabinet before-hand. The proper question is, 'Whether Sawyer shall be put into the Indemnity, or not?'

Sir R. Sawyer expelled.] Resolved, "That [illegible] of Indemnity, as one of the prosecutors of sir Thomas [illegible]

Debate on the Bills of Indemnity.] Jan. 21. Mr. *Sacheverell.* I move, that there may be particular names, and not descriptions, for that will be setting them free that are dead, for all the ills they have done, be they dead or alive; and having raised their own fortunes, if they can go off so in that manner, and leave children so great as to be noblemen, I desire not such families to be great in England. You have given your judgment upon a member yesterday, and if there be any more you shall think fit to name in this house, first either declare that none here shall be named, or if there be, that he shall withdraw; for else it is not equal justice. In all Acts of Indemnity there are general Heads, and under them except all that shall be ex- [illegible] your own hands. But if any thing appear before you have done your bill, I would not be bound up by any binding rule.

Mr. *Ettrick.* I think you have been well [illegible] liberty to name a hundred, man by man. You spent a great deal of time, the last session, when you went upon heads. There were no ill [illegible] were there whose bloods cried for vengeance? There was a temper of reconciliation and union; now it is otherwise; we have a war in Ireland and Scotland, and are not satisfied with one another. There is nothing better than a reconciliation.

Mr. *Dolben.* I am for an experiment, to try [illegible] that you have been forced to seek for persons [illegible] satisfy the justice of the nation. I think, the [illegible] been a mighty Revolution, an Abdication of the [illegible] If you go the same way, you will have no more [illegible] more expeditious: I believe it, and move it.

Mr. *Peregrine Bertie.* I move, that sir [illegible]

Sir *Edw. Hussey.* I second it.

Sir *John Lowther.* It is well moved, to pro- [illegible] tion against it is material; it may be thought by it to excuse the dead; the greatest criminals [illegible] set persons at ease at last! I hope you will put [illegible]

[illegible] I hope you will not put revenge beyond your justice. If it appears that, in the last reign, there was nothing done illegal, and that men were not driven out of their places that would not comply with Popery, &c. and by taking [illegible] to murder lord Russel, and acquit count Co- [illegible] such men, to return juries and votes in chusing [illegible] an Indemnity, but I hope not to see as formerly that *vitia in senatum veniunt.*

[illegible] and that you cannot do till you have named [illegible] debating crimes at large, you will sit to little purpose to arrive at your end.

[illegible] away Charters; that came *malum ab aquilone*; [illegible] sons that carry the mark of Cain upon [illegible] every wind; one has been named, and I desire [illegible]

Sir *John Guise.* Things are evidence [illegible] have before you a motion for Williams to with-

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* For procuring ruffians to murder Mr. Thynne, in his coach, in Pall Mall.

[illegible] e them.

Sir *John Guise.* I hear of quieting mens [illegible] mission Court; let that enquiry be instructions [illegible] has been thrown from one to another; let the [illegible] you evidence; I believe, it is in your hands, it is an evidence, a record, and I desire it may be [illegible]

[illegible] clerk delivered some papers to your clerk; there was a message expected with it, and therefore I [illegible]

Sir *Henry Goodrick.* When Papists, nay a Jesuit, sat in council, and since, by form of law, they have cut mens throats, I cannot come to a determination till we have purged our own house. Where there is a full proof, and full evidence, I will spare no man. But if you go generally, it may raise such consternations, that [illegible]

Sir *Tho. Lee.* I would forget and forgive. [illegible] rapine of the Jesuits, they cannot sit here who [illegible] safely when his council told him it was law. I [illegible] deration. I do recommend heartily not to proceed in general terms. Where there are faults, and those evidently proved, I would have them [illegible]

Col. *Birch.* As to the work before you, if you will not let things find out persons, you will not have done in a year; but the thing is to purge your own house. I am against it, and I [illegible] whom he means?' but I do not. There was a [illegible] at, and no proof—I have heard members charg- [illegible] and declares he will make it good; that being [illegible] fence; but before proof he is not to withdraw. This is the ancient usage of parliament, and I [illegible]

[illegible] Are you resolved that men should escape, because you know not their names? I am against the question, and I would have the committee proceed as they think fit.

Mr. Solicitor *Somers.* It is absolutely necessa- [illegible]

[illegible] Pardons; but this [illegible] there enumerated, &c. Men will find out crimes to undo kingdoms by new ways; there- [illegible] easily done, but it requires learning and invention to subvert laws and government? Is it [illegible] prevent? You will make sorry work else with [illegible] not you name offences at last? Y [illegible] punished, you ought to leave it entirely to the committee. State the Heads, and leave it to [illegible]

Mr. *Hawles.* I have a great value for the [illegible] till you find it a murder, nor a robbery, till it be found so. I am clearly of opinion, that else you will run into great absurdities; as in the [illegible] fines from 1000*l.* to 40,000*l.* Then you took other methods; as in Richard 2's time, [illegible] for some hundreds of years you heard no [illegible] a man is put into power, they make him do what they list. A person was kept out a good [illegible] they brought him in; he sat in your chair, and [illegible] for it, and was afraid that his life would have been taken away; if he owns that, I hope you will pass him by. Except as few as you can in [illegible]

Mr. *Garroway.* I am against naming persons till you have agreed to things. I never heard of a person accused here, but he found [illegible] another Head. But since your last sitting, [illegible] not punished upon another Head, I see a melancholy prospect of our safety; since the king [illegible] him. Find out things, else you will never find [illegible]

Col. *Austen.* It seems to me a natural way [illegible]

[illegible]

Sir *R. Howard.* I think an Act of Indemnity is expected, and I acknowledge that all Revo- [illegible] a censure on persons, and not tell you why, is [illegible]

[illegible] that any member should name a person that [illegible] all futurity, by naming a man for some sort of [illegible] by ordinary course of justice, but of murders in form of law; to tell the king who must die, this [illegible] man. For subverting the law, &c. the gentle- [illegible] person. A parliament may judge common law treason; and an intention to subvert the govern- [illegible] ties of England; the parliament declares what that crime is, and then you find out the persons that committed them. How can a man find [illegible] it in Westminster-hall. Let every one agree [illegible] (upon explanation of myself) that I would have [illegible]

Serjeant *Maynard.* I think, the less Instructions you give the committee, the better you will proceed. Those that would have perverted our souls and estates, have been against our religion, laws, and liberties. As for those that anciently did go to subvert and overthrow a government, a common judge had nothing to do with it, but [illegible] by a jury, at the King's-bench bar, for a modest [illegible] libel. Some have made a matter of excuse for the Judges, 'That they were convened to tell [illegible] death;' but a man ought not to save his life by [illegible] a call of serjeants and judges for that purpose. Whenever this comes to a committee, I would [illegible] in a multitude of persons. I concur to name [illegible] The T[illegible] hanged by a Book!

[illegible] fess my ignorance, therefore I desire to be [illegible]

[illegible] a committee of the whole house—I am not [illegible] would preclude your committee from. You [illegible] the dispensing with the Oaths and Test; they [illegible] thing you fear; viz. 'Your judgment will destroy parliaments: you dispense with thirty or [illegible] number of packed malefactors, like yourselves, [illegible] all the jails in England open, to let loose rogues [illegible] pardoned, let that gentleman stand up next [illegible] in court, but much worse out of court. They tried Holloway, because they had evidence; [illegible] was enough against him: There was the value [illegible] we had nothing; therefore try him upon the Outlawry; and he was hanged without trial [illegible] names; but except them upon that—It is [illegible] mittee; let them go into it, without farther In[illegible]

[illegible]

[illegible] of it.

[illegible] You had a question proposed. I never saw such an [illegible] put to the question, Whether they shall be punished? For what? For nothing. Another de[illegible] they say, 'Here is the law, and here is the fact, [illegible] A man to be tried, and to be guilty of a crime [illegible]

Mr. *Smith.* I take every gentleman's inten[illegible] a general exemption, or not? I believe there [illegible] the dark (lord Halifax) I shall [illegible] taken at some words, [illegible] 'That from the abdication of king James, to [illegible] should not have taken notice of this, if I had not [illegible] house abroad.

[illegible] I said, I applied it to those out of this house, [illegible] I applied it not to members of the house.

Sir *John Trevor.* I am not for this; it is not the way, to be in heat; this is not Indem[illegible] the kingdom. I would do so now.—The pre[illegible] negative, 190 to 173.

[illegible] a Petition from sir Thomas Pilkington, lord [illegible] he had to say in his own defence. After which, [illegible] made, That leave be given to bring in a Bill to make reparation to the lord [illegible]

Sir *Tho. Clarges.* I advise, that this judg[illegible] may have remedy elsewhere? What a flood will you bring upon yourselves in these things? The [illegible] had great revolutions, a king abdicated, great [illegible] brought upon us to trouble the people? I can[illegible] doned; only some few examples were made, [illegible] the people. At this rate, we shall be a court [illegible] ther. I would reject the Bill.

Sir *Henry Capel.* I observe, that arguments [illegible] great misery; but that was not this case; it was then a civil war, brother was against brother. That case is out of doors. It is said, these gentlemen may find remedy in Westminster-hall. If that was the case (as it is not) I think this house has the liberty, in such a case of im[illegible] bury, and in Mr. Bethel's, but it was lord Rus[illegible]

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* "Pilkington was sheriff of London in the year 1682; an honest, but an indiscreet man, [illegible]

[illegible] nominating Sheriffs, when the lord mayor, in opposition to the common hall, nominated [illegible] after.

[illegible] example.

[illegible]

reasonable bill, and I hope you will accept it. [illegible]

Armstrong was a just judgment of reparation [illegible]

[illegible] question.

[illegible]

The question [illegible] Petition was [illegible] the negative, 69 to 132.

[illegible] Jan. 20. [illegible]

[illegible] gave the royal assent to the Poll-bill; to the Bill to prevent 'vexatious Suits against such as [illegible] to the bill 'for the better security and relief [illegible]

"My lords and gentlemen; I am so sensible of [illegible] am engaged in, that I am glad of this occasion to give you thanks for your chearful dispatch of [illegible] that, as far as it will go, it shall all be employed to the purposes it was given.—It is a very sen[illegible] burthened with heavy Taxes; but, since the speedy recovery of Ireland, is, in my opinion, the only means to ease them, and to preserve the peace and honour of the nation, I am resolved to go thither in person, and, with the [illegible] duce that kingdom; that it may no longer be a charge to this. And, as I have already ven[illegible] gion, laws, and liberties of this nation; so I am now willing again to expose it, to secure you [illegible] draws on; and it being requisite I should be early in the field, I must immediately apply [illegible] sary preparations; which that I may have the more leisure to do, I have thought convenient [illegible]

[illegible] (the lord chief baron Atkins) by his majesty's [illegible] of April; but on the 6th of Feb. it was dissolved by proclamation; and a new one was summoned to meet on the 20th of March.*

Proceedings on the General Election.] "The general Election" says Ralph, "became now [illegible] ment of the two parties, that it disturbed the [illegible] a formal defence of the Convention-Parliament:* and as this contains the glosses of the [illegible] is another Paper still extant, which, though [illegible] from his old friends and his old principles; and [illegible] liament, only to be in a better condition of observing the one, and of making up all breaches with the other. At the end was inserted a list [illegible] Abdication: and no care nor cost was wanting [illegible] the kingdom. The Tories also on their part circulated a list of those who had voted for [illegible] ists, as the Tories had been for Jacobites: and under the influence of these mutual reproaches, [illegible] the result of all, it is certain, that though many of the abovementioned list were thrown out, [illegible] rejected. Even the city of London, alienated [illegible] Pritchard, and sir Thomas Vernon, who were on the Tory list, in opposition to sir Tho. Pilkington, lord mayor, sir Robert Clayton, sir [illegible] wards prefer a petition accordingly, they found it to no manner of purpose. In short, bp. Burnet makes no scruple to say, 'The Elec[illegible] adversaries; that is to say, either to oblige [illegible] into disgrace and contempt with their party [illegible] to infer they were Jacobites, and, by conse[illegible]

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* "The king was now reduced to the necessity of taking a bold and decisive step. [illegible] rested upon his resolution. They vied with [illegible] prizes for which they contended were unequal. [illegible] it: the other, a monopoly, or exclusive pos[illegible] power of a preference or a choice. If he consented to the bill, he surrendered into the hands of the Whigs, one of the most important branches of his prerogative, the free election of his servants [illegible] friends: he was perplexed and agitated: he pondered in his mind a desperate purpose. He thought of relinquishing a dignity which he found cumbersome and distressful." Somerville.

* See Appendix, No. iv.

[illegible] on the point of meeting, they [illegible] give a detail of the hopes and views [illegible] the [illegible] disappoint them; which were, in substance, to recognize the authority of the late parliament, [illegible] and to make some examples of the many criminals in the two late reigns. But though this Paper was calculated to be a sort of Test of his majesty's own conduct, as well as that of his new allies, it was no further considered at court than it favoured the court views. The Evil Counsellors, against whom the prince of Orange had declared and whom he came over to punish, king William had resolved to forgive; and the party on whose shoulders they stood, [illegible]

Several Changes at Court.] "As if to mor[illegible] and sir Henry Capel from the Treasury-Board, [illegible] sir John Lowther [illegible] the marquis of Caermarthen. He also removed lord Godolphin; possibly on account of his at[illegible] favourite, lady Marlborough: but continued Mr. Hampden, who had so much the less reason to repine at Lowther's being placed [illegible] and under-treasurer of the Exchequer. Sir [illegible] up the rest of the board, which now consisted [illegible] able Tories. About the same time also, Her[illegible] head of the Admiralty, and the earl of Pem[illegible] John Chichley only. Burnet adds, 'That other [illegible] mixed; and both studied to court the king, by [illegible]

[illegible] SECOND PARLIAMENT OF K[illegible]

List of the House of Commons.] March 20. [illegible] minster. The following is a List of the Mem[illegible]

A LIST of the HOUSE of COMMONS in the [illegible]
M[illegible] 20, 16[illegible]

[illegible]
William Montagu.

St. Albans,
Sir Sa[illegible]
George Churchill
[illegible]
[illegible] Henry [illegible]

William Johnson.
[illegible]
Christopher Tan[illegible]
Sir Michael Wentworth.
[illegible]
[illegible]
[illegible]
Andover,
[illegible]
John Pollen.
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
James Butler,
John Cook.
[illegible]
[illegible]
William Stawel.
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
Sir George Hutchins,
[illegible]
Bath City,
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] Russel,
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
Sir John Raymond,
[illegible]
[illegible]
Sir Henry Winchcomb,
Sir Humphrey Forster.
Berwick,
Sir Francis Blake,
Samuel Ogle.
[illegible]
Sir Michael Wharton,
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
Walter Waring,
[illegible]
[illegible]
Bletchingly,
[illegible]
Sir Robert Clayton.
[illegible]
Nicholas Glynn,
[illegible]
[illegible]
[illegible]
Sir Henry Hobart
[illegible]
[illegible]
Sir Brian Stapleton.
Bossiny,
Samuel Travers,

Humphrey Nicholas.
Boston,
Hon. Peregrine Bertie,
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
Jeffrey Jeffreys.
Bridgwater,
Sir Francis Warre,
[illegible]
Bridport,
John Michel,
Sir Stephen Evans.
Bristol,
Sir Richard Hart,
[illegible]
[illegible]
Sir Edward Acton,
Sir William Whitmore.
[illegible]
Hon. Thomas Wharton,
[illegible]
[illegible]
Sir Richard Temple,
Alexander Denton.
[illegible]
[illegible]
[illegible]
Cambridgeshire,
[illegible]
[illegible]
Cambridge Town,
Sir John Cotton,
Granado Pigot.
[illegible]
Edward Finch,
[illegible]
[illegible]
[illegible]
[illegible]
Canterbury,
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
Cardigan Town,
John Lewis.
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
Caermarthen Town,
[illegible]
[illegible]
Sir William Williams.
[illegible]
Sir Robert Owen.
Castle-rising,
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

Chester City,
Sir Thomas Grosvenor.
Sir Richard Leving.
Chichester,
Sir Thomas Miller,
Thomas May.
Chippenham,
Alexander Popham,
Richard Long.
Chipping Wycombe,
Charles Godfrey,
Thomas Lewis.
Christchurch,
William Ettrick,
Francis Gwyn.
Cirencester,
Richard Howe,
John How.
Clifton,
Sir Joseph Herne,
[illegible]
Clitheroe,
Roger Kenyon,
Fitton Garrard.
Cockermouth,
Sir Orlando Gee,
Sir Wilfrid Lawson.
Colchester,
Sir Isaac Rebow,
* Sir Thomas Cook.
Corf-Castle,
Richard Fownes,
William Culliford.
Cornwall County,
Hon. Francis Roberts,
Hon. Hugh Boscawen.
Coventry,
Richard Hopkins,
John Stratford.
Cricklade,
Edmund Webb,
Charles Fox.
Cumberland County,
Sir George Fletcher,
Sir John Lowther.
Denbigh County,
Sir Richard Middleton.
Denbigh Town,
Edward Brereton.
Derby County,
Sir Gilbert Clark,
Henry Gilbert.
Derby Town,
Anchitel Grey,
Robert Wilmot.
Devizes,
Walter Grubb,
John Methuen.
Devonshire,
Francis Courtney,
Samuel Rolle.
Dorsetshire,
Thomas Strangeways,
Thomas Freke.
Dorchester,
James Gould,
Thomas Trenchard.
Dover,
Thomas Papillon,
James Chadwick.
Downton,
Sir Chas. Rawley,
Maurice Buckland.

Droitwich,
Richard lord Bellamont,
Philip Foley.
Dunwich,
Sir Robert Rich,
John Bence.
Durham County,
Sir Robert Eden,
William Lambton.
Durham City,
William Tempest,
George Morland.
East Looe,
Charles Trelawney,
Henry Trelawney.
Edmundsbury, (St.)
Sir Robert Davers,
John Harvey.
Essex,
Sir Francis Masham,
Sir Charles Barington.
Evesham,
Sir James Rushout,
Edward Rudge.
Exeter,
Sir Edward Seymour,
Christopher Bale.
Eye,
Henry Poley,
[illegible]
Flintshire,
Sir R. Pullestone.
Flint Town,
Thomas Whitley.
Fowey,
Jonathan Rashleigh,
Shadrach Vincent.
Gatton,
Sir John Thompson,
Thomas Turgis.
Germains, (St.)
Daniel Elliot,
Henry Fleming.
Glamorgan,
Bussy Mansel.
Gloucestershire,
Sir John Guise,
Sir Ralph Dutton.
Gloucester City,
William Cooke,
William Trye.
Grampound,
John Tanner,
John [illegible].
Grantham,
Sir John Brownlow,
Sir William Ellis.
Grimsby,
Sir Edward Ayscough,
John Chaplin.
Grinstead,
Sir Thomas Dyke,
Lionel earl of Orrery.
Guildford,
Morgan Randell,
Foot Onslow.
Harwich,
Hon. Charles Viscount Cheyney,
Sir Thomas Middleton.
Haslemere,
George Bridges,
Dennis Onslow.

Hastings,
Hon. John Beaumont,
Peter Gott.
Haverford West,
William Wogan.
Helston,
St. John St. Aubin,
Charles Godolphin.
Herefordshire,
Sir Herbert Crofts,
Sir Edward Harley.
Hereford City,
Paul Foley,
Henry Cornwall.
Hertfordshire,
Sir Thomas Pope Blount,
Ralph Freeman.
Hertford Town,
Sir William Cowper,
Sir William Leman.
Hedon,
Henry Guy,
Matthew Appleyard.
Heytesbury,
William Ash,
William Trenchard.
Higham Ferrers,
Thomas Andrews.
Hindon,
Richard Howe,
John lord Fitzharding.
Honiton,
Sir William Drake,
Sir Walter Yonge.
Horsham,
John Mitchel,
Thomas White.
Huntingdonshire,
John Dryden,
John Proby.
Huntingdon Town,
Sidney Wortley,
Richard Montagu.
Hythe,
Sir Philip Boteler,
William Brockman.
Ilchester,
Sir Edward Wyndham,
John Hunt.
Ipswich,
Sir John Barker,
Sir Charles Blois.
Ives, St.
James Praed,
William Harris.
Kellington,
Francis Fulford,
[illegible]
Kent,
Sir John Knatchbull,
[illegible]
Kingston upon Hull,
Charles Osborne,
John Ramsden.
Knaresborough,
T. Fawks, by one indent.
Henry Slingsby, &
C. Stockdale, by another.
Lancashire County,
James Stanley,
Sir Ralph Ashton.
Lancaster Town,
Roger Kirkby,

Thomas Preston.
Launceston,
[illegible]
Henry [illegible]
[illegible]
[illegible]
Sir Thomas Hasling.
Leicester Town,
Sir Edward Abney,
Laurence Carter.
Leominster,
Thomas Coningsby,
John Dutton Colt.
Lestwithiel,
Sir Bouchier Wray,
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
Thomas [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
Lincoln City,
Sir John Bolles,
Sir Edward Hussey.
Litchfield,
[illegible],
Richard Dyot.
Liverpool,
Jasper Maudit,
Thomas Norris.
London,
Sir William Pritchard,
Sir Samuel Dashwood,
Sir Thomas Vernon,
Sir William Turner.
[illegible]
Silas Titus,
Francis [illegible].
Ludgershall,
Thomas Neale,
John Webb.
Lyme Regis,
Henry Henley,
John Burridge.
Lymington,
John Burrard,
Thomas Dore.
Lynn Regis,
Sir John Turner,
[illegible]
Maidstone,
Sir Thomas Taylor,
Thomas Ryder.
Maldon,
Charles Montagu,
Sir Eliab Harvey.
Malmesbury,
Hon. Goodwyn Wharton,
George Booth.
Malton,
Sir William Strickland
William Palmes.
Marlborough,
[illegible]
Thomas Bennet.
[illegible]
[illegible]
Sir William Whitlock
James Chase,

Sir Thomas Travel,

Hants

Ch. marq. of Worcester,

Montgomery Town,

Sir Francis Molneux.

Newcastle under Line,

Sir Ralph and Wm. Carr.

John Morice,

Newport, (Hants)

Sir William Stevens.

Newton, (Lancashire)

Newton, (Hants)

Sir Andrew St. John,

Northumberland County,

Norwich,

Sir Scroop How,

Nottingham Town,

Montagu lord Norris,
Sir Robert Jenkinson.

Oxford City,

Hon. Henry Bertie,

Oxford University,

Sir Thomas Clarges.

Pembroke Town,

Petersfield,

Robert Mitchell,

Plymouth,

John Trelawny.

Sir John Trevor.

Sir Nathaniel Napier,

Sir John Bland

Sir Henry Fane.

Sir Mark Milbank,

Sir John Austin,

Sir Jo. and Jo. Parsons.

Michael Hill.

Sandwich,

Edward Brent

Sarum Old,

Sir Thomas Mompesson,
William Harvey.

Ch. marq. of Winchester,
Richard Norton.

Anthony Boyer,

Stamford,

Charles Bertie,

Suffolk,

Surry,

Sir Francis Winnington.

Thirsk,

Truro,

Henry Vincent.

William Jennings,

William Bromley,

Thomas Skinner.

Sir William Forrester,

Sir John Morton,

Univ. of Southampton Library

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[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
Windsor,
[illegible]
Sir William Scawen.
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
Sir Walter St. John.
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
Samuel Swift,
Charles Cocks.
Yarmouth, (Norfolk)
[illegible]
Samuel Fuller.
[illegible]
[illegible]
[illegible]
Yorkshire,
[illegible]
Sir John Kay.
York City,
[illegible]
[illegible]
[illegible]
[illegible]
Sir John Trevor.

Sir [illegible] chosen S[illegible].] [illegible] commons to proceed to the choice of a Speaker; [illegible] vice-chamberlain to his majesty, humbly proposed to the house, "That he conceived sir [illegible] John Lowther and sir Henry Goodrick; where [illegible] had done him; withall saying, "That he feared [illegible] making choice of him; and therefore he desired [illegible] tunity of making a better choice."

The King's Speech on opening the Session.] [illegible] after confirming sir John Trevor Speaker, and [illegible]

"My lords and gentlemen; I am resolved [illegible] perity of this nation; and finding my presence [illegible] may be; and I have now called you together [illegible] that war with speed and vigour; in which I [illegible] ties.—In order to this, I desire you will forthwith make a settlement of the Revenue; and I [illegible] to others:* And I have so great a confidence in [illegible] ed) I shall be very well content, for the present, to have it made such a Fund of Credit as may be useful to yourselves, as well as me, in this [illegible] all such Anticipations as it shall happen to fall [illegible] ed an Act of Indemnity to the last parliament! But since that part of it which related to the preventing of private suits, is already enacted, and because debates of that nature must take up more of your time than can now be spared from the dispatch of those other things which [illegible] I intend to send you an Act of Grace, with ex[illegible] their crimes; and, at the same time, my readi[illegible] jects; who will thereby see that they can re[illegible] thods, than what the laws prescribe; which [illegible] ment.—A further reason, which induces me to send you the Act at this time, is, because I am [illegible] vernment; and especially in the time of my absence; And I say this, both to inform you,

---

* "Sir John Trevor was a bold and dextrous man, and knew the most effectual ways of re[illegible] and was made master of the rolls by him; and [illegible] the great seal. Being a Tory in principle he [illegible] might purchase some votes; and by him began the practice of buying off men, in which hitherto [illegible] for receiving a gratuity of 1000 guineas from the [illegible]

* "Sometimes the king would say, he would [illegible] had a revenue for life. He said once to bishop [illegible] monwealth as well as of a kingly government, [illegible] best; but he was sure, the worst of all governments was that of a king, without treasure and without power." Burnet.

[illegible] encouragements which I find they give them- [illegible] which I hope you will be very careful to prevent; for be assured, that our greatest enemies can have no better instruments for their pur- [illegible]

I must recommend also to your consideration an Union with Scotland. I do not mean it should now be entered upon; but they having [illegible] parliament there having nominated commissioners for that purpose, I should be glad that com- [illegible] in some future session.—My Lords and Gentlemen; I have thought it most convenient to [illegible] it to her, I desire you would let such a one be prepared to be presented to me.—I have thus only to add, that the season of the year, and my journey into Ireland, will admit but of a very short session; so that I must recommend to you [illegible] more thrifty management of it, will both pro- [illegible] and I hope it will not be long before we shall [illegible]

The Speaker, and the house of commons be- [illegible]

Sir *John Lowther.* I should be glad to be in- [illegible] that is of Supply; the reason why you support the war, is to support the kingdom; that being [illegible] I thought you would have been moved to give [illegible]

Sir *Tho. Clarges.* I observe, that, in part of [illegible]

Mr. *Hampden.* I am in some difficulty what to say. It is not the first time I have seen a committee have general directions. If a Sup- [illegible] except what relates to Supply, you may; but [illegible]

Sir *Henry Goodrick.* I agree with Seymour that, if Supply be first moved, then you go into a committee. The king desires 'a settlement [illegible],' it is not immediately a Supply.

[illegible] the granting a revenue, you go against the methods of the house. We are told, 'this is not granting Money,' but I take it to concern money as [illegible] you ought to appoint a day for the consideration of that motion: I hope you will not precipitate [illegible] according to the rules of the house. I would appoint a day.

Sir *John Lowther.* I would not have any body think, that I intended, by my motion, to surprize the house. I did not understand 'a Bill for the Revenue' to be a motion for Supply; but if that be the sense of the house, I am for a farther day; and I doubt not but, the necessity of the motion considered, you will appoint a speedy day. If those who understand [illegible] a Bill, I move for to-morrow morning; but because I would not displease nor surprize any [illegible] dence on one part for a longer day, there are affections on the other side for a speedy day.

The *Speaker.* The reason of a grand com- [illegible] diately entered into a grand committee, be- [illegible]

Mr. *Hampden.* It is moved for 'to-morrow to go into a grand committee, to settle the [illegible] it; but, in that question, I would not involve another question. Gentlemen say, 'settling [illegible] tion, 'That a motion being made for settling [illegible] sider of it.'

[illegible]

Mr. *Sacheverell.* I would a little consider and open what is to-morrow's work. I have [illegible] the most likely to trouble England, and I doubt [illegible] trade to support him. I have showed it formerly, as manifest as the sun shines. I can [illegible] a day or two) till that be, I cannot give my consent to give away so great a sum.

Sir *Henry Goodrick.* This must be, in consequence, setting a new Book of Rates, but you cannot remedy this: unless you bring all [illegible] nify little; but if the meaning be for a new [illegible] All Europe will have a vast advantage by having that trade, and you will lose it. I would [illegible]?

Mr. *Sacheverell.* I did not talk of a pro[illegible] How comes this to you? Now you are to consider of the Revenue, he tells you 'that the Trade with France is a million.' I believe, by [illegible] comparing it when in war, there is a great [illegible] heard say, that it may be done in a week's [illegible]

Mr. *Papillon.* I believe all gentlemen have the same dislike to France; but it was that [illegible] favoured France. I have known the time, [illegible] France; but when we come to peace, then it will be proper to make a settlement of the Rates; but if you make one now, you must [illegible]

Sir *John Knight.* I was in hopes that Sa[illegible] to his majesty, for his gracious Speech. 2. That [illegible]

[illegible]

"Gentlemen; I thank you for your Address, [illegible] nation, so I am resolved always to do. I hope [illegible]

This day, sir Thomas Mompesson, in his [illegible] ers; and the Speaker acquainted sir Thomas [illegible]

[illegible]

The house went into a grand committee, on the Supply. Mr. Hampden, chancellor of the exchequer, in the chair.

[illegible] yesterday to go to-day into a grand committee, [illegible] the king's Speech is about 'settling the Revenue,' and it is to that I stand up to move you. For rescuing you from arbitrary government, [illegible] king has done his part; there remains our part to be done. The reducing Ireland is a great work to be done; the king is willing to go thither in person, to make your charge easy; and I hope the king's return will be victorious and speedy: and when he does expose his person, [illegible] our gratitude I move you 'to settle the Revenue [illegible] William and queen Mary [illegible]

Serj. *Maynard.* If the king be necessitous, he will have necessitous counsellors about him. The Revenue of the crown-land is all gone, it is aliened from him; he can have nothing from [illegible] Revenue, I would not have it too much. Consider *Quantum, quomodo, et quamdiu.* I move, 'That it may be settled for three years.' As king of England, if all were quiet, I would have it for life; that the king may be a freeholder as [illegible] a distinct consideration by itself.

[illegible] question, 'for settling the Revenue for life, [illegible] 'to consider about Supply.'

Sir *Tho. Lee.* I always thought, that they that gave the crown of England 'a Revenue,' gave 'Supply.' I speak only to order. I think 'the matter of the Revenue' is the only debate [illegible]

Sir *Christ. Musgrave.* I think you cannot put that question; before you come to that, you must go to the particular parts of the Revenue; you must tell us what you mean by 'Revenue.' [illegible] was so, and I know not what has made it otherwise. Before you put the question, I would [illegible]

Mr. *Paul Foley.* I would know what the Revenue is, and what it is likely to prove, and not to settle a Revenue for life, as is necessary in war, but in time of peace. When Ch. 2. re[illegible] per ann. was a sufficient Revenue to support the government; in the next parliament, it was [illegible] the Revenue came not up to so much. I know not what the Revenue is now; but I have heard, that in Ch. 2's time, it was two millions, [illegible] while to consider: If you settle such a Revenue, as that the king should have no need of a par[illegible] that sent us hither. Therefore I would know [illegible]

Sir *Edmund Jennings.* I remember the method in king James's parliament, and why now we should take other precedents, I know [illegible] State, will you not settle such a Revenue as [illegible] as well as king James? Either we shall run [illegible] we shall find ill effects afterwards. I have no court-employments to expect or lose, only I would save Religion and Property: [illegible] must settle a Fund, and you must distinguish the Hereditary Revenue, and a Fund. I would [illegible]

Mr. *Hutchinson.* You have been moved 'to settle a Revenue upon this king, as upon [illegible] for a good or a bad prince? If you gave this Revenue to a bad prince, you cannot now decently take it away; if you give it to a good [illegible] Bank, and may presume upon it to destroy our Liberties. If a prince be prodigal, he is more safe than if thrifty; but it is an odd sort of [illegible] their trust. I would have the Revenue known.

Mr. *Pelham.* You are told, 'that the Revenue came to two millions in king Charles's and king James's time; but, as to what is said of the ill effects of it in king James's time, none of that mischief came by that Revenue, but [illegible] enabled him to raise his Army, and bring in [illegible]

[illegible] By comp[illegible] several parts, the question becomes more diffi[illegible] Supply, that is properly before you; but as to the other language of it, of settling a Revenue [illegible] fore you come to a Resolution. In matter of [illegible] firsting, seconding, and thirding it, but it is to be opened, so as freely to give a judgment, [illegible] venue is the Supply, I cannot come up to the question. A Supply is necessary; we cannot sit here else. A Revenue, for the king to live with honour and comfort upon, every body is for, so as to provide for the monarchy, in whose [illegible] needed Money, they have not needed us. I [illegible] blish them. I drive at this: will gentlemen show us what part of the Revenue is a Fund to [illegible] effectual? In this case, wherein all our safeties are at stake, that that should be given for Money which is none! I have heard say, 'There is a great Revenue, 1,200,000*l.* a year.' [illegible] uncertain Revenue? For that point so to give, [illegible] will be to anticipate the Revenue—For the [illegible] Fund for the present necessity to be anticipated, it will be a guard still for a parliament. I would give such a Supply as to prosecute the war with speed and vigour; and I leave the [illegible]

Mr. *Harbord.* 'To supply the king' will be without contradiction; therefore I would put that question.

Sir *Christ. Musgrave.* You tell us, 'That a question for Supply will answer the first article of the king's Speech.' But I would have it answer the second article, 'upon the Revenue.' I suppose it has been considered, that the Revenue must be a Fund; therefore I would [illegible] security. I would have the way prescribed, [illegible] you can do the thing. The king is of opinion, that it may be a Fund; therefore I would have that question.

Sir *John Lowther.* It is my private opinion, that, [illegible] present, the Revenue [illegible] are in a war! The king desires this testimony [illegible] but for Supply for these wars, I hope you will [illegible] a Supply, you may then take into consideration the Fund of Credit, and you may make this [illegible] years after as to be a Fund of Credit. I am [illegible]

Mr. *Foley.* I cannot say any thing, till we know what the Revenue is, nor till we have an [illegible] besides what we gave; six millions were received last year and this. Now, what account have we of all this? Therefore I would give no Supply till an account be first brought to us. I do not think that a good argument to give, because the king goes into Ireland; nor convenient for the king to have an exchequer full, if the king goes into Ireland. I would give this king money, but not by a rule, because we have given other kings. I stand upon it, to have more reason from the accounts before we give Supply.

Sir *Henry Goodrick.* If gentlemen come [illegible] king says, 'He has that confidence in this house,' I see no difficulty but that every man is prepared in his thoughts. You are upon the question of 'settling the Revenue.' It is that [illegible] sider the Fund: your second question settles [illegible]

Sir *Edw. Seymour.* Your motion for Supply is by order; your debates are on several things; [illegible] of the Supply. When I consider we are come so lately from giving Money in one parliament, I wonder how we come to leap into that now, unless you make one parliament to vie with another *ad infinitum*; but if this continue, you will [illegible] will keep him in it. I have always seen it here, [illegible] from such easy concessions came our miseries; [illegible] To settle the Revenue must be a work of time, [illegible] and will you do it in less now? You will make [illegible] us. Let us come to that point of the Revenue that is for life, to enable the king to carry on the war. If for security, I would consider how [illegible] to have the power in your own hands; you that [illegible] now play for king William! As this the last [illegible] yourselves are made properties? As for the Revenue, I would leave it like wise men, not like a horse in the mire. Have your allies left you, because you did only settle it for one [illegible] bind you.

Sir *Henry Goodrick.* Let us come to an end of our stage. If you must have neither 'black horse nor white for our stage,' must we [illegible] for the lives of your Deliverers.

Sir *John Lowther.* I am sensible of the Miscarriages; and whilst there are governments, [illegible] not embroil. I would not willingly inflame this matter: I would with all content retire to my [illegible] than live always in such diffidence that I must [illegible] What can man do in this case? Since I am [illegible] this nation is the security of it, but this prince; [illegible] moved, it is not all the world can secure it. If [illegible] us? I hope there is no weight in it. Similies, [illegible] meaning. I hope his government will not be reflected on in this house.

Sir *Edw. Seymour.* I appeal if I reflected on [illegible] or the sufficiency of this (Goodrick)? I care neither for 'the neighing of the horse,' nor 'the braying of the ass.' The safety of England will [illegible]

Mr. *Finch.* Before you put the question, there is something absolutely necessary for you [illegible]

[illegible] venue. I remember the progress that question had in this house last parliament; it was a [illegible] They were silent in that; they went only upon that for life. The next thing was a Bill to authorize the collection of it for a definite time. In that Bill there was a Clause, 'That the Re[illegible] And it was taken notice of, that the word 'no longer' would determine the Revenue; and, [illegible] that point remains undetermined; and will you leave that to be a question still? You see that question left undecided; it is still one, whether [illegible] persons are on the throne, the ancient mo[illegible]

Mr. *Ettrick.* As for what is said of 'the [illegible] die before the debt is paid. I am sorry to [illegible] a popish king, I should be more careful than under the king I am. I cannot, in justice and [illegible]

[illegible] Committee, That a Supply be given to their [illegible] the war against France, and for reducing of Ire[illegible]

Col. *Austen.* I thought you had taken your [illegible] this should be a Supply? pray let some gentle[illegible]

Sir *Tho. Lee.* The first part of your question is not for leave to bring in a Bill for the Revenue: I only offer on the word 'Supply;' that [illegible]

Sir *John Guise.* I am persuaded, that those [illegible] you will say more, than 'towards carrying on the War,' say so; but let us have to-morrow to consider of it, to answer it to our country.

Col. *Austen.* I shall never be afraid of a post, to bring news of what is done here. I am [illegible] this time, not so. I may give Money for a Re[illegible]; but I may, or may not, give my consent for two lives in it. Therefore put the question 'for a Revenue.'"

Sir *Wm. Williams.* When a question is [illegible]

[illegible] for lives, and some for years; but none for such [illegible]

March 28. The house again went into a [illegible] is annexed to the Crown, and what for lives. I [illegible] the other parts of the Revenue: for instance, half the Excise is hereditary; declare that an[illegible] parts of the Revenue; likewise the Post-Office, [illegible] will make shall not preclude that. I renew the [illegible] ments are a fresh obligation to the king; if any thing relates to our Properties or Religion, all [illegible] trust of the king; nothing can prevail against it. There were jealousies of the last reign; but no [illegible] so much for his people, for so short a time as he has been here. I move, that the Revenue may [illegible]

Mr. *Ettrick.* It is very plain, that what is [illegible] As if only this question is, whether you will [illegible] board-wages; as if only by this question to fetter it with forms to surprize gentlemen. [He [illegible] land.]

Mr. *Hampden.* 'The house to be shackled with forms' is a strange expression. I know [illegible]

Sir *John Goodrick.* I know of no 'shackles,' [illegible]

Mr. *Ettrick.* What I said was not reflect[illegible] ther you will give as formerly, for life, or for 3 [illegible]

Sir *John Thompson.* We have been told 'of putting the king to board-wages.' I do not aggravate the thing; but certainly we should know what we do, when we give away our money; but, that we may speak our minds freely, I think the Liberties of England are in that [illegible] your end.' Certainly, nothing is more prejudicial to the king, when it is demonstrable it [illegible] you must keep a Standing Army, or the frugality [illegible]

[illegible]

Earl of *Ranelagh.* The order is, 'To consider the Revenue.' The motion is, 'To con- [illegible] I find some gentlemen would know what this Re- [illegible] king and queen. There is a Revenue for lives [illegible] mer. I would have it declared, 'That the Revenue, vested in the two last kings, is the Revenue of inheritance;' and have leave given to bring in a Bill to settle it.

Sir *John Lowther.* As near as I can, I will [illegible] you will proceed in the method proposed, I am very well contented. I move, 'That the Revenue may be for the king and queen's lives, and the longest liver of them.'

Mr. *Sacheverell.* I move, 'That a Revenue [illegible]' and I move, 'That what is now vested in the Crown may not be alienated from the crown.' [illegible] must pay for it. Therefore, I desire gentlemen [illegible] get all and the king nothing.

Sir *Christ. Musgrave.* The question is now, what the Revenue of the Crown is to be in time of war; 'tis otherwise in time of peace. Now [illegible] Revenue, now we are in war. I hope the king will not take it ill, if we settle the Revenue for years; otherwise, if it is not for years, as well as for lives, it cannot be good security. If you settle it for lives, only, and not for years, it cannot be a Fund; if for both, pray declare your sense. I know not if 3 years, the number moved for, will be security or not; and if three millions will be found without a pros- [illegible] be for a time uncertain, I move you to grant [illegible]

Mr. *Ettrick.* 'Tis something of a harsh proposition, the Revenue for lives and years too. I look upon the hereditary Revenue to be so far a Fund as for a present supply of Money. It [illegible] the better form the sum. I have heard of 'a million' wanting. You may make, in a clause [illegible] lives to the lender of the money. I think we ought to have as much respect for their present [illegible]

Sir *John Guise.* Upon a supposition of [illegible] Books searched before you go on. I find this [illegible] In the king's Speech there is such a proposition [illegible] then is to be a Fund. I should think the Revenue a very ordinary present to the king, so [illegible] from hence. I would take time to present the king with a free Gift, and worthy of him to re- [illegible] them speak. I have heard, that they who lend [illegible] six months. I would not dispose of the Revenue farther than becomes a prudent man, who [illegible] no distrust on the king;' but I would not have [illegible] to be laid on the ministers. Here have been particular grumblings against persons' ill management; and since, now the Revenue is in [illegible] ears. I would have a Fund of Credit for 4 [illegible]

Col. *Austen.* I am against the question, for the king and queen's sake. I am against granting the Revenue for lives, for what the king (that [illegible] in an ill prince's time—I am sure you will never tell him that he is an ill one. A parliament [illegible] as ill kings; I mean, the ministers. Granting it for life will prevent any ill ministers from being called in question, and you can never [illegible]

Sir *Joseph Williamson.* It will certainly be [illegible] frequently in parliament. In the close, I shall [illegible] parliament.—That is the thing; the king's ne- [illegible] dents, though I hope we shall be soon out of [illegible] hand, I would not give all for life, so I am for a [illegible] If half the Excise be for life, there will remain still a Fund for Credit, [illegible] of parliament.

[illegible] of lives, I desire a little satisfaction, whether [illegible] take away all indubitable security? What fund [illegible] nue; now, what Fund of Credit have you on [illegible] to this year and the next; what sum can you [illegible] in a year, and scarce that; few will lend upon the utmost value. I know no way of certainty [illegible] thing undefinite, you will have, I believe, little or no use of a parliament for the future.

Resolved, "1. That it is the opinion of this [illegible] the late king James 2. was, the 10th of Dec. [illegible] so vested; and that therein provision be made, [illegible] moved for leave to bring in a Bill for the settling [illegible] majesties for their lives, and the life of the longest liver of them: with a clause to enable their majesties to make the said Revenue a security for raising money towards a Supply, not exceeding the sum of . 4. That the house be moved for leave to bring in a Bill to grant to their present majesties for the term of 4 years, [illegible] [illegible]es 2. for their lives: with a Clause to enable their majesties to make the said Revenue a security for raising money towards a Supply, not [illegible]

[illegible] house went into a grand committee on the Supply.

[illegible] is over. You have voted the Revenue to king William and queen Mary. I doubt not but to [illegible] rity. This is a great task, a great work. No [illegible] walls. I am sorry to tell you, that the king is [illegible] never with so potent a prince as the French king. You have but part of Ireland in your hands, [and then giving an Account of the de[illegible] Charge, concludes] There can be no Army, but upon free quarter, nor Ships, but in harbour, if [illegible]

Sir *Charles Sedley.** Mr. Speaker; we have [illegible] for the Navy: and now, at last, a new reck[illegible] vide for the Lists. Truly, Mr. Speaker, it is a sad reflection, that some men should wallow in [illegible] taxes, the fourth part of their revenue, for the [illegible] upon equal terms, for his majesty's service: the Courtiers and Great Officers charge, as it were, [illegible] king is pleased to lay his Wants before us, and, I am confident, expects our advice upon it: we ought therefore to tell him what Pensions are too great; what Places may be extinguished, during the time of the War, and public cala[illegible] subjects: he is a brave and generous prince, but he is a young king, encompassed and hemmed in by a company of crafty old courtiers. To say no more, some have Places of 3000*l.* some

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* "But though these Votes were carried without a division, they were not carried without a [illegible] was much pressed; but,' continues he, 'it was [illegible] for a certain and a short term, was the best se[illegible] parliaments.' The bishop adds, 'The king did not like this, he said to myself, Why should they entertain a jealousy of him, who came to [illegible] both? I answered, They were not jealous of him, but of those who might succeed him: and if he would accept the gift for a term of years, [illegible] the Deliverer of succeeding ages, as well as the present.'" Ralph.

* Somers Tracts, 1 coll. vol. ii. p. 487. Sir [illegible] make his daughter a queen.'

[illegible] and [illegible] per annum, and I am told, the Commissioners of the Treasury have 1600*l.* per annum a-piece. Certainly, [illegible] and calamity that reigns every where else: and it is a scandal, that a government so sick as [illegible] We [illegible] can, for I am afraid the War is too great for [illegible] necessary Salaries, and all this applied to the use to which they are given; we shall give, and [illegible] majesty [illegible], to secure the Protestant religion, and to keep [illegible] too, whom, by the way, I have not heard named this session; whether out of fear, discretion, or respect, I cannot tell. I conclude, Mr. Speaker, [illegible] and then let us proceed [illegible] what we are doing.

Sir *Edw. Seymour.* If I thought your enquiry would bring you to your end, I should be for it; but I would rather close with the other motion, of what is most necessary to be provided for. The stress of the question lies to give the Revenue for a Fund, and when given, no security. If you begin with enquiries after Mismanagements and pass them over [illegible] establish them, and will never have a true one. Let us prevent them for the future. [illegible] the Fleet is employed in every man's business but ours, no wonder that Ireland miscarry. Let us know what money remains [illegible] was given the last parliament, and give what comes short of that sum for present Supply.

Sir *John Guise.* I must take it for granted, that, upon the dissolution of the last parliament, things were well weighed. What was wanting of the sum before? When a way was found out to supply the king, to cut all that off at a stroke by a prorogation! Who dares be the man, that will avow it?

Sir *Christ. Musgrave.* I must believe, that [illegible] Was [illegible] and settling it, was a Supply? If nobody will [illegible] leave it to the king at large to borrow, or limit such a sum, not to exceed such a sum? Suppose you give credit 'not to exceed 500,000*l.*'

Sir [illegible] power of borrowing [illegible] other Supply, I would ask that member, whether he will answer that to his country? And, [illegible] not paid, and the Fleet in harbour? I dare not undertake it. I am in the king's service, but have a fortune to support my condition. I can obey commands, but am not in a post to [illegible] For the nation, [illegible] how [illegible] religion and laws will be safe, under such a motion; I am mistaken, unless other men have other prospects, than I have: and do not say but you are warned of the consequence.

[illegible] We are [illegible] Money. Is [illegible] fault of the commons of England? Were they [illegible] quired.

Sir *Christ. Musgrave.* I dare not love the name of 'undertaker,' so as to ruin my nation. I know not what Lowther means by 'a Prospect:' I have none but the support of monarchy, and the nation. We have settled the Revenue, and that was called 'Supply!' I said, 'it ought to be at the peril of any body, that [illegible] to borrow.' The [illegible] not from us—We have no sums told us, and when we name them, we are reproached for it.

Sir *Tho. Lee.* The farther consideration of credit is come to 500,000*l.* and no more. I did [illegible] found, then to charge the Revenue. If you go [illegible] you will make your enemies far from having [illegible] 200,000*l.* more to pay. I believe, at the end [illegible] will not pay Seamens wages. What I say is [illegible] then dissolved us; surely they knew where Money was to be had. It is so hot from the mint, [illegible]

Sir *Henry Goodrick.* It is unhappy, that we [illegible] son, every thing that is dear to us, I fear, must [illegible] extremely pressed in the house, as if some [illegible] There is nothing in the king's Speech, but what he will make good, as to the Revenue; but the ques- [illegible] will come short,' it is a great and terrible sum at first to name, 'two millions;' but if this be [illegible] I do not envy his

[illegible]

have some other prospect,' I meant, that it is [illegible]

[illegible] day.]

[illegible]

[illegible] affairs, I know nothing of that; but if you [illegible] munication is the way to end all differences and jealousies, amongst friends. I have ever had a great reverence for the house of commons; so I have lived, and so I shall die, a faithful commoner of England. But, after all, will you support the government? I know you will sup- [illegible] gentlemen to consider, that, seeing the calamities that will attend the loss of the government, [illegible] and, if you give more, you shall be cozened? [illegible] and govern you; and saving the Taxes will be but cold comfort at last, to say, 'I have saved [illegible] sequestered, or worse; I must either renounce my religion, or lose it.' What I aim at is this, [illegible] the consequences, but you may prevent afterwards; else you will be too late, and have another distemper upon you to cure. When you go into a committee, do it speedily; and, whatever Credit, give it a sound Credit. You will [illegible]

Sir *John Lowther.* I doubt not but gentle- [illegible] some men intend sincerely, and tell you truth! [illegible] ever do more; and if my service be acceptable, I am more than over-rewarded. Gentlemen [illegible] have done, upon a change, must suffer in the [illegible] stating your Expences as near as I can, I freely [illegible] it so, and would have supplied it. I am of opinion, that it is too great an expence; but I [illegible] So formidable a sum is needful, that I dare not mention it; but I hope gentlemen will be so [illegible] I will hope that Forfeitures may do a great deal in Ireland; and the Fleet is not paid till they come home; but, in the mean time, stores must be supplied. I hope gentlemen, therefore, will assist in the retrenchments. I believe, in any [illegible] poor opinion, I think it impossible to carry on [illegible]

Col. *Granville.* I have ever thought that [illegible] selves; and I hope this wise assembly will get out of them, as well as enquire how they came into them. If there are any discontents, let us [illegible] whom, and not complain in generals. I move, 'That we may further supply the king with [illegible]'

Sir *John Thompson.* I look upon it, that, in [illegible] believe themselves ill used in the management. [illegible] were sent away; and so may this. As to what is said by Lowther, 'Why did we not com- [illegible] Now it comes in 1,500,000*l*. It is strange it should be so vast a debt, when we have sup- [illegible] things, will make a considerable deduction. [illegible] till we know what Forces we have; for still, the [illegible]

Sir *Rob. Cotton.* No gentleman here but is [illegible] fects of it. It is reason to consider, not what [illegible] only question before you is, to consider how [illegible] nue, and what may be laid upon it for a Fund.

Col. *Austen.* I think two things are under consideration; Supply, and, which is as necessary, [illegible] see it well employed. I would not ask account [illegible] a prospect how they will be managed better.

[illegible] king, and the government. I move, that you [illegible] sary to carry on the War?' I could not know what to move, but from a gentleman (Lowther) whose calculation I believe to be true. I confess, it is a great sum proposed, and since it [illegible] has not been seconded, but I do. It is a great sum I must confess, but I know not how it can [illegible]

Sir *Christ. Musgrave.* You state that right which was named, but I will put you in mind, [illegible] put first. I would gladly know, when you have [illegible] and I find it is taken for granted, 'That the [illegible] their debts, and pay 7 per cent. interest? and then consider how interest eats out; and, besides, by great rates for wares; and in this [illegible]

[illegible] the gallery, speaking of the Revenue, seemed to say, 'That the Revenue might bear it;' but made no direct motion. 1,400,000*l.* after so much money given, is a great sum; but, what[illegible] our religion and properties, &c. Far be it from us to think that sum will undo us. He that [illegible] can raise. This is a great sum, and it is hard [illegible] Revenue had been a little better opened, you might have gone on more easily: I must give all my help to that question moved. Perhaps [illegible] tage to the nation. I look back with astonishment! I have served near the throne, where there have been cross biasses in affairs; but when we have a prince who will think it for his service to enquire into managements, I hope they will be put in such a way that we shall not [illegible] I shall give my affirmative to the question of [illegible]

Mr. *Ettrick.* I would give what will do the [illegible] next. I propose 1,200,000*l.*

Sir *John Guise.* We see the word 'towards' [illegible] to a sum of Money proposed. I speak plainly: [illegible] in the Charters? If by that way our misfortunes [illegible] his own counsels; she had the privy council's [illegible]

Sir *W. L. Gower.* I hope we shall not only [illegible] things they have done. I move for the greatest [illegible]

Sir *John Thompson.* A million is as much as [illegible] move for it.

Sir *Tho. Lee.* I agree with the gentleman that moved for a million; but I would be satisfied [illegible] I would not have the whole security of England be at the pleasure of a few men, whom you borrow from. [illegible] and that will take up all the first money: the [illegible] not desire to come much before Michaelmas.

The committee divided, and 'the million,' [illegible]

Resolved, "That it is the opinion of this committee, that a sum not exceeding 1,200,000*l.* [illegible] mas, in prosecuting the War against France, [illegible]

[illegible] tions to the committee, 'That the Supply be [illegible] leave to offer a third, the people's living. He [illegible]

Sir *Henry Goodrick.* I am of opinion, and [illegible] I desire, before we enter into a hasty Resolu[illegible] The gentleman that moved it, I believe, can tell you ways; therefore I beseech you, at least, to [illegible] nation to ruin. Before you put such a question, pray let us debate it.

Sir *Tho. Lee.* I take it, the debate is upon 'Instructions to the committee, that no part of the Supply shall be upon Land.' I think it irregular in the house; but, if moved at the committee, it will be as strong as in the house. In [illegible] a committee. I remember, in the Long Parliament, a great sum was to be raised, and Home Excise was proposed; those against Land-Tax would have had a negative—You have so much [illegible] to raise, you [illegible] I know no way considerable but home excise. I assure you, I am not for land-tax, which is absolutely destructive to you. You must keep yourselves in a condition to raise it upon land hereafter. I am neither for a land tax, nor a 12*d.* Subsidy. I speak plainly; if you bring this course of a negative into parliament, the [illegible]

Sir *Henry Goodrick.* I have declared myself all along; I will deal fairly: I thank the Revenue [illegible] this, but to lay a negative upon land, customs, or excise, [illegible] put a negative. You were told of 'three necessities' from the bar: perhaps the same necessity may be on other things; and, at last, necessity upon nothing. If this pass once in the negative, you lay such a baffle upon the committee, that they cannot get through it.

Mr. Solicitor *Somers.* The business of parliament is best [illegible] by preserving methods of parliament. Departing from what is always considered of, at a committee, may be very prejudicial; the variety of opinions you have heard, requires debate. That being the case, and method of parliament, pray leave the chair.

Sir *John Guise.* Suppose you should lay this tax upon land, you know not the success of the war, and would you [illegible] the next recruit of money? Can you answer this to your country? It looks to me as an extremity, the utmost shock, and the way to bring in king James, if you go first to the dernier resort.

Sir *Robert Cotton.* Nothing but great necessity yesterday brought us to vote so great a sum of money, but have a care lest we put ourselves on greater necessity. We have an army in England, as well as in Ireland, and I know not whether we are safe without such a guard, and home excise to maintain that army. These things, so natural, we may expect may follow. I doubt not but the kingdom of England may raise money without burdening land. I hope [illegible] to be what [illegible] to bring the nation into necessity of such fatal [illegible] keep England, whatever becomes of Ireland.

Sir [illegible] You have [illegible] upon a long debate, upon a negative upon land-tax. I would willingly go into a committee freely, but I own I am against all home-excises.

[illegible] against land-tax, I have been here the best part of 20 years, and all the projects would never do. The way [illegible] has always been [illegible] land, and they abhorred excise, and all other projects. I wish we prove wiser than they. We had a war with the Dutch, as now we have with the French, and it was carried on no other way but by land-tax. I am not for [illegible] cise. You have pitched upon a Fund, and must have a security to raise it. If there should be a miscarriage in Ireland, it will be laid upon the house by the managers of that war. [illegible] blame upon this house. I would fain see the tax laid upon something less vexatious, and that will not, in the end, come upon land. If you find other proposals less grievous to the people, you will [illegible] best [illegible] to leave it to the committee.

Mr. *Harcourt.*[*] If you give the tax on land now, I fear you will lose as many men as you give pounds. The goodness of the prince, and his greatness too, is shown by the easiness of the government.

Resolved, That it be an Instruction to the committee, That the Supply to be given [illegible] their majesties be not laid upon Land, without leave from the house.

The house then went into a grand committee.

Sir *Edw. Seymour.* I cannot but take notice, that we are come into an extraordinary method of argument. The only answer to it is, 'If those without doors had done their parts as well as they within, these Miscarriages had never been.' I was one of those for the lesser sum, as it might have been raised out of the Revenue. The king's resolution for going into Ireland was taken before any [illegible] bling him, in parliament, in all respects that would enable him to do it. Some gentlemen tell us, 'The Revenue will not prove sufficient security, because those without doors dare [illegible] lend upon it.' But pray tell me, if I ask those without doors, will they not tell me, the land is charged already? The affections of the people are not to be hazarded. People I see already mention 'the goodness of their princes, and their greatness too, by the easiness of their government.' We are to secure ourselves from the whole, Popery, Ireland, and the French king. I could have been glad that your sums might come up to the whole Revenue, but, with that caution, if it does not secure it, to make it good when you come again. All I drive at, is, to go on with such a consideration, in what we give, as not to lose what we have already given by land-tax. Those persons [illegible] serve you in commodities, will think themselves better secured by the Revenue in the Exchequer, that every one in his order is duly paid.

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[*] Son of sir Philip Harcourt, and afterwards distinguished by his eminence at the bar. In 17[illegible], he was appointed Solicitor-General, and in 1707, Attorney-General to queen Anne, which office he quitted by a voluntary surrender a few months after, but was recalled to it in 1710; and was the same year made Lord Keeper of the Great Seal, and created Lord Harcourt. In 1712, he was declared Lord Chancellor, and in 1721, he was created a viscount. He died in 1727

I think it not intended to put this money for Ireland in the king's pocket; so give the best [illegible] I would not take care, whether the officers can bear it in the Civil List; they ought to pay their part: though Lowther tells you, 'He [illegible]' [illegible] pay as much as they are worth, they will think [illegible] government as [illegible]

Mr. *Godolphin.** It seems to be the general disposition of the house, that the Revenue be a Fund. The question is the *Quantum*, how much the Revenue is a Fund for. You voted, the last parliament, two millions [illegible] which came short. Therefore I hope 1,400,000*l.* [illegible] Revenue— [illegible] Temporary Excise not exceeding 300,000*l.*

Resolved, "That it is the opinion of this committee, that, towards the Supply to be given to their majesties for prosecuting the War against France, and for reducing of Ireland, [illegible] enabled, by a Clause in the Bill or Bills, for settling the Revenue, to raise a Credit for the sum of one million, upon the Revenue." Which was agreed to by the house, with the Amendment of 'ten hundred thousand pounds,' instead of 'one million.'

April 3. The house went into a grand committee, on the Supply.

Col. *Birch.* I cannot easily swallow how [illegible] brought [illegible] Money. I shall touch it very tenderly. Here is another year lost; but let us do what we can. Last year, by God's blessing, with hay and oats, you might have done your work. But it is more reasonable to provide the money, than [illegible] par-liament; that undid your business, and not only lost opportunity, but set you a year backward. I am not only for the Money, but to have it ready money. You might have done it in a seasonable time, and now you might do it in an unseasonable: you will find it on your Books the last session proposed, 'Every ale-[illegible] Let it be read; it is in lieu of a licence from the Justice, and I appeal, if the poorest will leave off the trade for it? Not five in England will. It is now the time of year for licensing; this will signify little to the people; and pray enter-[illegible]

[illegible] served us, and worse, if you will. I would not put the present service upon dispute, or contingency; but, however, seize their lands here, [illegible] Ireland to [illegible]

Mr. *Harbord.* Oliver took other steps to reduce Ireland than we: he followed the advice given him, in the confiscation of estates, of the estates of all against him; which saved [illegible] In the two last kings reigns, there were as much [illegible] as in Oliver's time to support it. You will not [illegible] They have wholly divorced themselves from the [illegible] ment and Dependence, and I would have them [illegible]

Resolved, "That it is the opinion of this [illegible] moved for leave to bring in a Bill for a Poll." [illegible]

[illegible]

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* Youngest brother to lord Godolphin, and [illegible]

* "These were the only public measures in [illegible] and regular. Other subjects of debate, in both [illegible] parties, and the issue of them afforded an exact criterion of their comparative strength, and of [illegible] bers, and declining in the favour of the court, relied chiefly upon the fortune of incidents, and [illegible] the Tories, confiding in the strength of numbers, and elated with recent victory, openly pro-[illegible] affront and humble their antagonists. Thus [illegible] The latter, irritated by attacks from which they did not escape unhurt, availed themselves of [illegible] op-ponents." Somerville

† "The first great debate arose in the house of lords, upon a bill that was brought in, acknow-[illegible] valid. The first part passed with little contradic-[illegible] ful', and 'lawful,' as not at all necessary. But [illegible]

of March a Bill was brought into the House of Lords, 'For declaring the acts of [illegible] parliament to be [illegible] [illegible] by means of his [illegible] to the [illegible], their majesties king William and queen Mary, to be [illegible] the [illegible] and [illegible] lawful king and queen of these realms.' The day after report was made from the Committee [illegible] of the Amendments upon the said Bill, [illegible] the first [illegible], after 'to declare' [illegible] have added 'and Enacted,' [illegible] they may be [illegible] word 'and Enacted' [illegible] [illegible] the [illegible] of the House [illegible].—Then the question was put, Whether the House [illegible] to agree to this report? [illegible] Contents 38. Not Contents [illegible].

Protest [illegible].] Leave having been given to any Lords to enter their Dissents, the following [illegible] signed [illegible] whose names are here under written do enter our Dissents for these Reasons following:

1st. Because there appears to us no reason to doubt of the validity of the last [illegible], the great objection insisted upon being the want of writs [illegible] summons, which we take to be fully answered by [illegible] that [illegible] made that form impossible, such irregularities of [illegible] having been always looked [illegible] our ancestors (however [illegible] to be [illegible] to allow [illegible] the [illegible] parliament, notwithstanding the [illegible] or other [illegible] in point of [illegible] the [illegible] Henry 4. and king Stephen [illegible] parliament [illegible] by [illegible] Wales [illegible] Law [illegible]

3. Because [illegible] the [illegible] proceedings [illegible] the greatest part [illegible] be [illegible] not [illegible] prosecuted [illegible] the [illegible] acts [illegible] government, viz. [illegible] Money [illegible] subject without their consent, and [illegible] who have lent money upon the credit [illegible] acts, [illegible] securities, and [illegible] the present taxes [illegible] all persons who have any [illegible] are [illegible] apprehensions [illegible] judgments [illegible] of the Act of 25 Car. 2 [illegible] have always [illegible] executions of any persons [illegible] parliament, and [illegible] being called to an account for murder. [illegible] cause to leave a doubt touching the validity of the last parliament, is to [illegible] all the judgments and decrees given in the House of Lords or in Westminster-Hall, during that [illegible], to bring a question upon the whole [illegible] judicial proceedings. 4. Because if the authority of the last parliament be not put [illegible] question, the authority of the present parliament can never be [illegible] for the statute of 5 Eliz. c. 1. makes the election of any [illegible] of the House of Commons [illegible] void, if he enters into the House without taking the Oath of Supremacy, which [illegible] having [illegible] there is [illegible] of this [illegible] and by the statute made 30 Car. 2 [illegible] any peer or member of the House of [illegible] to sit and vote without [illegible] the Oath of Allegiance and Supremacy before the Speaker [illegible] is [illegible] a Recusant, and disabled [illegible] to hold any office [illegible] any suit [illegible] executor [illegible] trator, [illegible] vote in either house of parliament [illegible] consequently [illegible] who have sat [illegible] parliament [illegible]. 5. Because [illegible] the [illegible] Succession [illegible] by [illegible] and the [illegible] William [illegible] [illegible] so that [illegible] [illegible] in this [illegible] the [illegible] parliament [illegible] old Oaths [illegible] act as a lawful parliament, without taking the

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and [illegible] that these should be [illegible] to [illegible] but opposed [illegible] readily [illegible] they [illegible] that [illegible] found [illegible] to [illegible] the [illegible] On the other hand [illegible] to [illegible] of the present government [illegible] the king [illegible] upon [illegible] the [illegible] were [illegible] a [illegible] persons [illegible] king [illegible] Commons [illegible] were [illegible] the [illegible] After [illegible] to the [illegible] the House [illegible] Lords [illegible] of the Crown [illegible] Protestants [illegible] good and [illegible] Tracts.

Oaths of Allegiance to king James: All judgments and decrees in the house of lords, during the late parliament, are of no force; great [illegible] death, not only without, but against law; which is the worst sort of murder: Lastly, [illegible] people, have been parties to all this: the peers and commons now assembled are under a perpetual disability, and the nation is involved in [illegible] port, Bedford, Herbert, Suffolk, Monmouth, [illegible]"

April 8. The Bill was read a third time, and [illegible] leave to enter their Dissents, if the question was carried in the affirmative. "1. Because we conceive, that saying, 'It is enacted by the authority of the present parliament, that all [illegible] the last parliament were laws,' is neither good English nor [illegible] ed by writ in due form of law, which is destruc[illegible] [illegible] (Signed) Somerset, [illegible], J. Jermyn, Westmoreland, H. London, W. Landaffe, [illegible] Menev', [illegible] P. Winchester, W. Asaph, Scarsdale, [illegible]"

April 10. The Reasons in the Protestation [illegible] said Bill being read, were, upon the question, [illegible] for entering Dissents, if the questions were car[illegible]

"Dissentient, Whereas the questions for [illegible] April the 8th, were carried in the affirmative; [illegible] the privilege of the peers to enter their Dis[illegible] suaded them to be of that opinion; and no [illegible] the law of the land. 2. Because there is no [illegible] Protestation. 3. Because the Protestation was [illegible] words of it; but by expunging the Reasons of [illegible] to our sense and intentions. (Signed) Nottingham, J. Jermyn, H. London, Tho. Menev', Ed. Wigorn', P. Winchester, Hum. Bangor, [illegible]"

*Debate on reversing the Judgment in a Quo Warranto against the City of London.**] April 8.

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* "The violence and injustice with which [illegible] the city in their own hands. But, because they would not be at this trouble, nor run this hazard [illegible] the City must either be given up, or be adjudged to the king. The former was much the easier way; so great pains were taken to manage the [illegible] they might be tractable in this point. But after [illegible] not bring it near an equality for delivering up [illegible] judgment in the King's-bench. Jones had died in May; so now Pollexfen and Treby were chiefly relied on by the city in this matter. Sawyer was the attorney general, a dull hot man, and he undertook, by the advice of Saunders, a learned but a very immoral man, to over[illegible] they rested the cause were, 'That the Common Council had petitioned the king, upon a proro[illegible] a delay of justice.' This was construed to be [illegible] vernment. The other point was, 'That the [illegible] markets; which was an invasion of the liberty of the subject, and contrary to law.'—After long [illegible] the whole thing, was made chief justice; Pemberton, who was not satisfied in the point, being [illegible] advancement. Dolben, a judge of the King's-bench, was found not to be clear; so he was [illegible] struck with an apoplexy; so he could not come into court; but he sent his Judgment in writing, and died a few days after. The Sentence, which [illegible] on great occasions, was, 'That a city might [illegible] the Common Council were the acts of the whole [illegible]

Sir *Edw. Seymour.* You have been moved by the members for London to reverse what is not, and to restore what they have. I apprehend, you ought to remove a doubt first, what are their privileges, and not leave it to the judgment [illegible] the crown has not a right to a *Quo Warranto.* [illegible] reversed but by a superior power. What signifies any man's telling you it is no Judgment; [illegible] their reverse, or no? If you reverse it, then leave them to the same right they had before. They have acted by another power, by a commission; I will not say, whether legal or no; I [illegible] (Hampden) 'That something has been done in the city of London, which he does not approve.' If the old and new were put out, and better put in, it would be more for their advantage.

Mr. *Hampden.* I did say, 'That some things had been done in the city of London, which I could wish had not been done.' I do not like every thing that has been done in the city, but I would be repeated when things are fresh in memory.

Mr. Solicitor *Somers.* A void judgment may be [illegible], as well as an erroneous judgment. I will never give my consent to countenance such [illegible] judgments, to [illegible]

Sir *Tho. Lee.* I am for the first part of the question, because I would have it sufficiently cannned. I would have the Judgment reversed and declared from the beginning [illegible] understood and expressed too; else it will be from the first day of the parliament only. I shall never give countenance [illegible] to such powers. They may crowd in the water-bailiffs, and markets, if you decide not the question.

Sir *Edw. Seymour.* I presume, no man doubts but that Hampden can form a question [illegible] the advantage of the thing he proposes; we have every day's experience of it. I did not expect to have had this question so laboured; truly, I did not. I love not artifices without doors; but I hear of a Bill already framed by members of the city, [illegible] to be trusted with, to make the city a Commonwealth; and, Ordered by the Common-Council, 'That in case their own members fail to move the [illegible] the Bill prepared by the committee shall be presented; and if not some other members of parliament are to do it.' Thus you see what work is cut out for you, that even in the work they have cut out they dare not trust their own members. This Bill makes the city independent from monarchy. I have not seen the bill; but those that have, inform me of this; and it is shrewdly to be suspected, when they dare not trust their own members.

Sir *John Lowther.* I hope this house will not be prevailed upon to have an ill opinion of the city, upon common hearsays. If ever such a Bill be brought in, I believe it will be thrown out with indignation. I hope never to see a common-wealth established here.

Mr [illegible], Master of the Rolls. You are engaged in a dispute on the words of the question. I take it to be a ground, that this Judgment against the city of London be declared void. If a court give a judgment illegal and erroneous, it is good till it be reversed; but when the court has no jurisdiction, it is void in itself: I take it with that distinction. I take this to be a void judgment, and that the court had no jurisdiction, because it entrenches upon the jurisdiction of this house. The judgment was a dissolving and annihilating the corporation of London. Those bodies dissolved, of what [illegible] this house consist? Dissolve old ones, and make new ones, as you please—If it be admitted, that this judgment was ever good, it stands good as long as it is not reversed. This strikes at the root and foundation of the government; therefore we can do no better than declare, that the court had no jurisdiction. The words, 'To restore the rights and privileges, &c.' carry as much force as 'reversed;' which presupposes, that the judgment had some validity, as being from a legal court.

Resolved, "That leave be given to bring in a Bill to reverse the Judgment in a *Quo Warranto* against the city of London, as null and void and illegal; and thereby to restore the city of London to its ancient privileges."

[*Debate in the Commons, on the Recognition Bill.*] April 9. An ingrossed Bill, from the lords, for recognizing king William and queen Mary, and [illegible] the Acts made in the parliament assembled at Westminster the 13th of Feb. 1688, was read the second time.

Lord *Falkland.* I am as much for the interest of [illegible] as any body, but not for so hasty proceeding as is moved, 'to read it a third time now.' There have been great debates in the lords house about this bill: statutes and laws are mentioned in it. I would have

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of a Charter.' Upon which premises, the proper conclusion seemed to be, 'That therefore the [illegible] city without a Charter, or a Common Council; and [illegible] Burnet them read. When that is done, I would go into a committee of the whole house.

Sir *Tho. Clarges.* I would observe the same [illegible] take the crown and dignity upon them; and I [illegible] practised in this nation; but that they 'were,' and 'are.' 'Were' they before they 'were in being?' I think it worth the consideration of [illegible] The nearest [illegible] Charles [illegible] An act was [illegible] ing those acts, with this Clause, 'That, [illegible] liament, for, if the people may assemble a parliament [illegible] therefore [illegible] &c. We sat not here [illegible] last Convention, but [illegible] acts for Money; I care not how soon they are [illegible], or that of Ease to Dissenters. I would give them all the authority that may be; but I cannot declare, 'That they are and were king and queen, &c.' Therefore I move, that you would go into a committee.

Sir *Henry Goodrick.* [illegible] against the bill, [illegible] committee; but when we come to a point to [illegible] are bound in conscience to recognize the king [illegible] are not laws? That they 'were' and 'are,' [illegible] to? The Act for Money, or the Act for Ease [illegible] take the oaths? If you vary that, or make that a scruple, whither will you launch? If you [illegible] hands to the government: it is not the noise [illegible] not be without this bill.

Sir *Tho. Clarges.* I did not except against the particulars of the Bill: I can come up to confirming all the laws; but, I think, to say, they 'were' and 'are,' not proper for a bill.

[illegible] objections, I think, have not begun at the right end. You recognize, that the king and queen 'were' and 'are,' &c. What [illegible] those general words? I would have it qualified from the time, some time limited.

Sir *John Lowther.* Perhaps I am one of [illegible] I am satisfied with what the last parliament did: I acquiesce in their authority, as the whole nation has done. I hope none will [illegible] be avoided. I never knew, but distinctions occasioned disputes. I think 'were' and 'are,' must relate to the time the king and [illegible] instead of the old. This being so, I cannot imagine that this should be a dispute. We [illegible] laws. I move that you will not go to particular [illegible] I move for a third reading to-morrow.

[illegible] I am for committing the bill. I did recognize [illegible] have some words of reference. The law [illegible] are the same words. 'Interest vested in the king and queen' are legal words, and therefore I would have it in such words as are limited by [illegible] lation of the crown, it is in the king for ever; it is therefore proper and fit; and, I believe, no man, that has taken the oaths, but acknowledges the government, and I would have it in [illegible]

Mr. *Harcourt.* I have some doubt that [illegible] Rights. I have ever thought the monarchy hereditary, [illegible] entail? I am not satisfied that those of 1660 [illegible] I am under. I second the motion for commitment [illegible]

Sir *Tho. Littleton.* I am for reading the bill to-morrow, notwithstanding what I have [illegible] satisfied, that the last parliament was a legal one; and I stand by it, and declare it so. I am not for confirmation of it, for that strongly [illegible] raise a doubt whether that was an act or no. I would not raise more scruples than necessary.

Sir *Joseph Tredenham.* Without taking the [illegible] word excepted against is, 'were.' I say again, that nothing ever was, but what had a beginning. I speak of sublunary things. I should [illegible] I am for confirming most acts of the last parliament, but the grammar of the expression I understand not; to enact a thing that 'was.'

Mr. *Hampden.* You have had several motions to go into a committee grounded regularly upon exceptions, or pretended exceptions. The first question is, Whether the bill shall be committed, or not? The next, Whether it shall be read a third time? I see, all gentlemen intend the bill should take effect, except one, that questions, whether those were acts, or no, in the last parliament. I cannot comprehend how this is against grammar, 'Were and are king and queen, or king and,' where is the [illegible], when they were before the last parliament? Will you say that those, before this parliament met, were not laws from the time that the parliament met, unless they were excepted in another act to the contrary? I say, they were laws, and if it pass, as moved, a great many distinctions must be in this act. I see not what reason there is for committing it. It may occasion great debates. All you agree is, that they 'have been' so, as well as 'are so.' If you go into a committee, time will be spent, and the king resolves to go into Ireland. Before [illegible] leave it upon the table, I should be very loth to leave things so.

Mr. Comptroller *Wharton.* If we sit to hear all the objections that lawyers will make, we may sit till the king comes home again. If you [illegible] your government, if you declare [illegible] the bill, and that your last laws were none, you are no parliament, and it is no government.

Sir *Christ. Musgrave.* It is no reason against the commitment, 'Because it may occasion debate;' it is the natural reason for committing it, and for that reason it ought to be. I would not only have it clear to my own understanding, but to those without doors. I see no reason why these words 'were' and 'are,' should be in the bill. I should be unwilling to leave it to Westminster Hall to explain it. I know not what the lords mean by 'were' and 'are.' I am for explaining it. It is far from my thoughts not to have the laws of the last parliament confirmed. By the same reason, they may question how you came to be a parliament. We ought to make it so clear, as without doors to make a reasonable answer to a question. Says a gentleman, 'I would not explain it, because it may occasion debate at a Committee;' and for that reason I would commit it.

Mr. Solicitor *Somers.* I have observed the objections as well as I can. If there be no weight in them, there is no reason that the Bill should be committed. It is said, 'enacting that they were laws, seems not a proper expression.' I take what we are upon, 'enacting' is declaring 'it was.' It is said, by a person, 'That he agreed to the first part, because agreeable to the Bill of Rights.' You are told by a gentleman, 'That he is willing to confirm all the last parliament did.' If the laws of the last parliament want confirmation, it is impossible for you to give it. The validity of what they did, depends upon the validity of this parliament; and if so, it is impossible that should ever be a parliament, and this none. Queen Elizabeth enacted 'the members taking the Oaths of Supremacy and Allegiance, otherwise their election should be void,' then I am sure there is an end of this parliament, for we have not taken the oaths of Allegiance and Supremacy, 'and incapable of ever being a member of either house;' so this puts an end to both houses of parliament. In the Convention of 1660, there was a king in being, and the next parliament was [illegible] writs. This parliament depends entirely on the foundation of the last, and if they want a confirmation, neither this, nor the next parliament, can confirm it. It is said by Sawyer, 'conquest is a law.' It is the first time I ever heard it. I have heard that conquest supersedes all laws. It is said, 'To the time of the landing of the prince of Orange, [illegible] the laws and statutes, they are [illegible].' Does not the Act of Settlement [illegible]? And you may very well refer to that [illegible], when they had their royal sanction; I think there is nothing against the reason of the thing.

Sir *Wm. Pulteney.* I hope we all agree that they are king and queen; if we do not, we are forsworn. The only thing that sticks with me, is, I do not think that you intend that that Act about the Succession [illegible] uncertain that what we all mean [illegible] clear. Why then should [illegible] be declared, 'That they are king and queen, according to the Line of Succession?'

Sir *Tho. Lee.* It is the natural course, when exceptions are taken to a bill, to have it committed, and of bad consequence if any other question be put. I will trouble you now, only to offer an expedient how the matter may be saved, and the bill not committed. There is nothing of worse consequence, than to explain what right we sit here by, or upon what government we stand, lest we should make a further limitation of the crown than we have done. Possibly a rider, to declare nothing in this act against the Bill of Rights, &c. For that reason I am against committing it.

Sir *Christ. Musgrave.* I second the motion for a rider, and you may soon order it to be drawn to the effect moved by Lee.

Mr. *Hampden.* As for the expedient offered by my countryman, Lee, I gave no encouragement to it. I neither did oppose it, nor approve it. It tends to the great prejudice of the crown. Such a motion for a rider is irregular. A rider is proper to be added to an engrossed bill, but not against so great and [illegible] of the bill as this [illegible].

Mr. [illegible]. It is dangerous to [illegible] the government upon such [illegible] the government. Some [illegible] 'From the king's [illegible] &c.' [illegible]—I would have it in plain words, [illegible] one may understand; and it might be mended in three words. 'Be,' and 'be reputed,' looks [illegible] the gentleman that rode over Rochester-bridge upon a [illegible] We have gone over a precipice, and we ought to [illegible] He was [illegible]

Sir *Tho. Lee.* It is proper to debate now [illegible] reading [illegible] but [illegible] the words of the bill.

Mr. *Godolphin.* I desire leave to bring in [illegible]

The *Speaker.* 'Leave to bring in a rider' I never heard of before. Every one is at liberty [illegible]

Sir *John Lowther.* I own myself convinced that the bill ought to be read to-day; and as for the expedient, if you give time for a rider, [illegible]

Sir *Tho. Lee.* As I told you before, I am [illegible] I am sorry that any thing I said, by reason of arguing, should be taken for a motion. I thought I spoke plainly to orders and methods. What I did say, was, 'That it is in every gentleman's power to offer you a rider, if he pleases.' Mine [illegible] what any gentleman [illegible]

The Bill was read a third time, and passed, [illegible] carried [illegible]*

[illegible] at the door, to present a Petition to the house.

Col. *Birch.* I move that they may be called in; it is a respect that was never denied to the city of London, which has been so useful to the government.

[illegible] Have they not their representatives here? If it be a private business, you ought not.

Mr. *Sacheverell.* I am not of opinion that there are any such practices in the city as gentlemen talk of. Though I like not very well [illegible] against their Charter. I will never be for them that would not stand with them for justifying their liberties. You do the corporation no good by reversal of their judgments. Instead of relieving them, you put them in a worse state than before their charters. I am for giving [illegible]

Sir *John Lowther.* The debate is wholly irregular. To talk of Bills not brought in—I never heard that a Petition was delivered to [illegible] whether it was fit for you to receive; for sometimes you have rejected petitions. The last time you [illegible] it was not opened. This is a matter that may create heats by dividing us, of the most dangerous [illegible] talk of our divisions, that they will ruin us. If it be as people talk, it is a Petition for a bill to [illegible] else. Consider the consequence of such a petition [illegible] of the day.

Sir *Henry Capel.* A bill has been prepared [illegible] the lieutenancy in the city has been a misfortune [illegible] posed, and reconciled. I will not interfere in the order of the day, but beg all encouragement possible to the city. We know not where to have the Money, but in the compass of the city of London; therefore, pray, put no discouragement upon them, but call them in.

Sir *Tho. Clarges.* It is proper, now the Petition [illegible] tion is, to restore the city to its ancient liberties, but you order a Bill to vacate the Judgment, and it is ordered to be read a second time. When you were at your devotions (the Fast Day) no day would serve their turn for a Common Council, but that day. You were told of a great change in the city Militia; but I think, the king could not go with any security out of London, without that change of the lieutenancy. I remember, and so do you, what they did in Charles 1st's time, and the consequences. I am [illegible] to give the Petition the name it deserves, and I would not have it read.

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* "On the very day that the Bill passed the [illegible] that house. Great and long debates were expected. 'But to the wonder of all people,' says our lord of Salisbury, 'it passed in two days, [illegible] ship adds, 'The truth was, the tories had resolved to commit the bill, and, in order to that, [illegible] words, that might want correction: for bills are [illegible] then resolved to oppose it. But one of them discovered this too early; for he questioned the legality of the Convention, since it was not summoned by writ: Somers, then solicitor general, [illegible] if that was not a legal parliament, they who [illegible] treason: The laws repealed by it were still in [illegible] out any more opposition. This was a great service done, in a very critical time, and contributed not a little to raise Somers's character.' It further appears, by the Journals, that a motion was actually made for committing the Bill, which was over-ruled without a division: whence [illegible] themselves upon this subject; for, as they were [illegible]

S. [illegible] L[illegible]. I am one of those who were always of opinion, [illegible] just so much is due to London, and no more, as to any other [illegible] place in England. 'That they [illegible] [illegible] to [illegible] themselves, [illegible] [illegible] at this house,' and [illegible] them at [illegible] at due [illegible], and decency, as they ought. [illegible] [illegible] are [illegible] you, but [illegible] the [illegible] in London [illegible]. I take it for [illegible], I [illegible], that the [illegible] *Quo Warranto* [illegible]. I should be glad the [illegible] old ones [illegible] them. I [illegible] those who are the [illegible] of the king's [illegible] of the officers will take care [illegible] be not good, [illegible] judges should [illegible] their places that have done ill. If the city of London [illegible] should send a Petition, I hope you will [illegible] it.

Mr. H[illegible]. It seems that this Petition is framed rather at a cabal, than from the city, and not only brought in by the [illegible], but against the very act of the members of the house.

Sir Robert Howard. I shall not enter upon complimenting the city, nor upon particular respects, but your duty in respect of yourselves. I know not how the Common Council is become a cabal now; it was a good one, when the king desired 100,000*l.* and they lent him [illegible]. I have a respect for those put in, and for those put out; but you must not be [illegible] [illegible] of Mr. Cornish's and lord Russel's [illegible] murderers, and the power of the sword in their hands; those put out, I believe, are [illegible] commonwealth. To reject this Petition is one of the sharpest things that ever was. Was not Oxford Petition, between the first and second reading of a Bill read? This would be a favour to encourage the city to [illegible], and [illegible] very people are [illegible] a cabal, [illegible]. If a [illegible] be [illegible] to a town, [illegible], what [illegible], [illegible] the [illegible]? Pray be pleased to hear the Petition, [illegible] be [illegible]. Nobody knows yet what it is, and it will be strange to receive Oxford Petition, and throw out this.

Sir [illegible]. I [illegible] not [illegible], but [illegible] the [illegible], and [illegible].

[illegible]. I [illegible], I would not be [illegible]. [illegible] is of charity

may be done on that day as well as others. When you have occasion to use those gentlemen of the city, do not [illegible] them [illegible]; I [illegible] my eye upon those [illegible] their pleasure of [illegible] upon me, [illegible] I despise. Pray consider, whether you will not have occasion for money.

Mr. Garway. That question puts me upon another; whether those gentlemen [illegible] I hope there are no murderers in the lieutenancy of London, and I hope the [illegible] not [illegible] themselves, will be turned out.

The Petition was then opposed by

Sir Robert Clayton. (But he had not the Petition in his hand, which was against [illegible].) I am not versed in the laws, but I know [illegible] '[illegible] and [illegible] being [illegible] themselves to the government.' [illegible]. Every [illegible] here [illegible].

Sir [illegible]. I know some [illegible] the [illegible] [illegible] with [illegible], Quakers, Anabaptists, Presbyterians, and [illegible], they [illegible] stood [illegible] James, or [illegible]. If they did, [illegible] the present king what [illegible] the government [illegible] from them, [illegible] opposed this king, or forsook king James [illegible] are fit to be put out not only of [illegible] employment. The king did not understand the constitution of the government when he came in; but, since, [illegible] who are fit to be employed, and that those men [illegible] are fit.

The question being put, That the Sheriffs of the city of London be called in, it passed in the affirmative, 215 to 160.

Debate on the Bill for reversing the Judgment against the City of London.] April [illegible]. The Bill for reversing the Judgment, in a *Quo Warranto*, against the City of London, was read a second time.

Sir Robert Clayton. I am of opinion, with those that took this to be no great [illegible] be [illegible], [illegible] your hands and [illegible] to work. I would obviate [illegible] on the city of London, by this Petition, that you have rejected, [illegible]. The common council ordered a Bill to be [illegible] to present to the house; they did it on Tuesday in the afternoon. They [illegible], by which a committee was empowered to draw a Petition to present to the house. As to summoning the common council, the lord mayor [illegible] Sir John Parsons [illegible] Mr. [illegible] [illegible] printed tickets, and there are witnesses at the door, to prove a regular summons to every man. [illegible] thoughts, where the Bill is defective:" There [illegible] restored; nor provision to indemnify those that acted under the new charter; nor any for the magistracy of the city. I hope the prudence of the house will take care of that. If [illegible] you may see king James here again, if the king go into Ireland.

[illegible] title, that it is against the thing. There were [illegible] of the city: soldiers were drawn up in Guildhall. This was before the Judgment upon the *Quo Warranto*. As this Bill is penned, you confirm all that was done before, instead of restoring the privileges. I move that you will enquire [illegible] what ancient privileges [illegible] Judgment and *Quo Warranto* [illegible]

Sir *John Guise*. I would know, whether you [illegible] which they lost all their liberties? Will you confirm all these actions? You are told, 'This was a cabal that framed the Petition:' but we do not find but that they had legal summons. [illegible] They desire to be heard by counsel to the Bill; and that is made a ridiculous thing. You deny [illegible] I am not against the commitment of the Bill; but a great many things are to be thought of; and I hope you will take such consideration [illegible] and not lay imputations upon people of a common-[illegible] who [illegible] betwixt the king and his people, are criminal.

[illegible] liverymen paid, some 20, some 25*l.* for it. [illegible]

Mr. *Foley*. I suppose it is not the design of [illegible] to the government: that is not for the king's interest, nor the city's. It is intimated, that this bill will restore sir Dudley North and sir [illegible] house will come up to that, I think Rich has lost his alderman's place; and, notwithstanding [illegible] stored. I would have them restored to the [illegible] against the Charter.

[illegible] to such points as the house shall direct.

[Debate on the king's Change of the Lieutenancy of London.*] April 24. Sir *Tho. Clarges*. [illegible] nancy of London, the king has a great care of us; and I hope he will do the same all England over; and I move you to thank him.

Mr. *Papillon*. I must not jest with myself, though I am a citizen, but I know not who [illegible] I know not the names of a fourth, or a half of them; they may be obnoxious to the church of England, and the government. Such a mo-[illegible] honour.

Mr. *Campion*. I am for the church of England-men to be employed in this lieutenancy. I know not whether it be true or no, but I have heard, that several of them would not take the oaths to the government. I would know what this lieutenancy is, before I give [illegible] thank the king.

Mr. *Finch*. I think the gentleman mistakes the motion; for the Address to the king is for those in the lieutenancy; and those that would not take the oaths, are not by law of the lieutenancy.

Sir *Robert Clayton*. I should be glad to understand the question, and the reason of it, [illegible] Lieutenancy in the last Commission.) But it is worth your examination, neither the ablest nor best men are added. I would examine, whether these persons are worth the favour of this Address to the king. You will find, that many have had a hand in the worst things. I am for cementing, not for dividing. Divisions and parties never did good, nor ever will, of any [illegible] If you will give thanks to the [illegible] lieutenancy, I believe you will not pass this vote.

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* "The Corporation Bill did so highly pro-[illegible] part of the bargain that the Tories had made, that the lieutenancy of London should be chang-[illegible] he had given a commission, out of which they were all excluded; which was such a morti-[illegible] live in the city with credit, unless some of them [illegible] of such as were liable to no just exceptions; that the two parties in the city might be kept in balance. The bishop brought in a List of [illegible] committee of council was appointed to examine the List, but it was so named that they [illegible] a set of officers, who, if there was a possibility of doing it without hazard, would certainly use them for king James." Burnet.

[illegible]

Sir *John Lowther.* I am for this, because it will take away our divisions. If the king remove me, I am so conscious to my own abilities, that I shall agree that I am justly removed; and if they have not given satisfaction to the government, I hope they will comply for [illegible] We have [illegible] ment of Addresses for removal of persons, and catechising the king. I hope that is gone. I [illegible] in the [illegible], [illegible] danger [illegible] ple, to the full satisfaction of the government. It [illegible], and I hope they will be turned out; and that it will extend to both sides, one as well as the other, and take away all divisions for the future.

Mr. *Foley.* I am afraid we are under a mistake in this. Some said, they were Church of England-men, and some not. I have seen a List, and I must observe many in the lieutenancy that have had their hands in blood several times over. 'Tis not for the service of the nation to condemn a man upon one witness, and one that contradicted himself. Some are that were to congratulate king James after his return, and the landing of the prince of Orange. I know not why you will take so much notice as to give the king Thanks for these men. They have chosen one for colonel, who would not qualify himself to be an alderman, and has appeared, by [illegible] at all elections in the city. I believe, when you examine, many things will be proved upon these persons; and, I hope, when the house has a full information of these things, they will [illegible] interest [illegible] the king and kingdom that these men should be continued.

Sir *Samuel Dashwood.* I find, great stress is laid upon one particular, of persons unqualified. The matter of fact is this: sir James Smith happened to be in the country; and I have heard him solemnly declare, 'That he never heard of that act.' Though the court of [illegible], yet they admitted another under the same circumstances. Sir Tho. Allen omitted it solely upon ignorance of the act. I know many, of great reputation and honour, of the city, (if I may call it so) and their [illegible] the king's interest as any [illegible].

Sir *Robert Howard.* I am of his mind. I would not shut a man out of the government, that is willing to come in, both clergy and others: I am so far from taking advantage of omissions, that I would restore all. To the [illegible] 'That you were beholden to the lower end of [illegible] that advice [illegible]

king.—But, for an Address to thank the king in general, there I must say a word. I speak under the shelter of an act of parliament—[illegible] Church of England, I am for that; but, for men that have committed [illegible] nish's and lord Russel's Jury—King James took down Corporations [illegible] power—[illegible] let us not thank the king for that [illegible] have condemned, that an act of parliament has condemned, and all mankind!

[illegible] thing, in this debate; It is not, that the house [illegible] for the Church of England. I would have a [illegible] I would have the king thanked, 'For the great care he has taken of the Church of England, in the alteration he has made in the M[illegible] London.'

Col. *Birch.* I did never think, after the experience I have had, ever to have heard this, and that we are all agreed to serve the king [illegible]. In the parliament of 16[illegible] abroad durst look the king in the face, when the king said, 'Let this be called the healing and blessed parliament.' Not long after, one sort of people, who acted in a corner (I know who they were) made [illegible] most corners of the kingdom, this brought us into a low condition. We were taught that prayers and tears would cure us; but they brought Declarations and the government to tyranny. Pray let this Address alone, till we have beaten our enemies. I protest, if I would give advice from the other side of the water, it should be thus, for gentlemen to give thanks for they know not what. Let us see what these men (we thank for) who they are first. I know what they are [illegible] stuck to the king [illegible] To put the king [illegible] hands, I am not for it. Examine who these are, and do not give Thanks hand over head for these men.

Sir *Henry Capel.* If I am not for the Church of England, I have much forgot whom I am descended from, that suffered for that church in the Palace-yard*. Is it a reasonable thing that the whole body of the parliament should address the king, &c. without satisfaction? Suppose you make this Address, and some [illegible] not of our Church [illegible], and have been of the bloody juries? When [illegible] address the king, [illegible] Speech [illegible] you draw up your Address? I never saw a List of this lieutenancy, but I have heard an ill character of some of them. I have seen the [illegible]

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* Lord Capel, his father.

[illegible]

all for the interest of the Papists. We cannot [illegible]

I am for it. [illegible]

till Ireland be conquered, 'tis no hurt to your Act [illegible].

Sir *Christ. Musgrave.* I did not give my consent to repeal the Habeas Corpus Act then; but to give instructions to a committee to repeal a law, I never knew; nor is it the usual way, nor method of parliament. The Bill for the Oath of Abjuration was filled up by a committee of the whole house.

Mr. *Harbord.* If you give a private member leave to bring in a Bill to repeal a law, you may surely trust a committee with it.

Resolved, "1. That a committee be appointed to prepare and bring in an Oath of Abjuration of the late king James, that all persons, in any employment or trust, ecclesiastical, civil, or military, shall be obliged to take: and that the committee do prepare and bring in a Bill for that purpose. 2. That it be an Instruction to the said committee, that such persons as shall not take the said Oath, shall be incapable, &c. [illegible]."

Ap[illegible] The Abjuration Bill was read a second time.

Lord *Digby.* It is a tender point that I am going to speak to; and, before I enter into the debate, I desire I may speak freely, without prejudice. Whatsoever concerns the constitution of the present government, I would not be thought to speak against; nor for king James, if I speak against the Bill. The foundation of the government is [illegible], wherein the king promises his part, &c. and we swear fealty. It is the original contract; if there be any, I am of opinion that is it. This Oath I took with a good conscience, and will keep it. Till the king enlarges his part of the contract, I think we should not enlarge ours. I have heard of enemies against kingly government, and I fear this will create many more. This will not distinguish the enemies from the friends of the government. If this be, now the king is going into Ireland, it may be of dangerous consequence. These considerations weigh with me against the bill.

Mr. *Cary.* I am so much a friend to the government, that, when this was first proposed, I was for it, and ready to take any engagement; but the reason then for it, makes me now against it. To distinguish friends and enemies, supposes a need to support the government. Now you doubt your weakness, and [illegible] the weakness of the government, when you find it? The Oath of Allegiance has this Oath of Abjuration in it. Oaths lose their value, when they lose their necessity. Excommunication lost its force, [illegible] Church. I shall proceed to show, that this is [illegible]. Those that will evade one oath, will another. Those men [illegible] king Charles [illegible] bring him in? May not men that will evade these oaths [illegible] government? They have taken the Oath of Allegiance; [illegible] by evasion, they may do this of Abjuration. I am against a committee, &c. because it is against the government.

Col. *Granville.* I stand up to move for commitment, and really I cannot understand the reason of those that oppose it. This only obliges [illegible] what we all have done. [illegible] oath, I did heartily renounce all allegiance and [illegible] to king James. [illegible] obliged us to displace a Popish prince; a Protestant title is the best title to the crown [illegible] discover our [illegible] upon an ill bottom, it will only discover our enemies. I have heard exceptions against ecclesiastics, &c. I cannot believe it, unless they have some secret reserve. If such men [illegible] and [illegible] is our ruin. Those who scrupled the former oaths, will these; and your great tenderness, in the last parliament, makes them [illegible] because, they say, you durst not do otherwise: they are not to be led by arguments of [illegible] good-nature. [illegible] the bill.

Lord *Falkland.* I am an advocate for the present government; and, for the same reason, I was for the Abdication of king James, and for the settling of king William upon the throne. [illegible] your enemies: at home, they are too few to be feared, or too many to be provoked. When your enemies see you reduced to the last extremity, how will they value you? When Augustus Cæsar had a list given him of those who conspired against him, he burnt that list, [illegible]. If such think themselves bound in conscience to bring in king James, they will take this oath to bring him in. Those who brought in king Charles 2, valued themselves upon their abjuration of him. Upon the whole, I am of opinion that this bill is destructive to the government: I am against it. I have taken the oath of allegiance to king William, [illegible] and I did in that abjure king James. I have suffered too much in the last government, ever to desire [illegible] back.

Sir *John Thompson.* One thing is missing in the bill, that [illegible] lawyers [illegible] to it, and then the divines will not scruple it.

Mr. *Harcourt.* I will support the dignity of the [illegible] and for the government; [illegible] I believe this bill would conduce to it, I should be as forward for it as any man; for, that person that will equivocate with [illegible] allegiance, there is no security in it, and but little in this. I have often heard, that we have a powerful enemy abroad, and a necessity to unite at home. This will endanger fomenting and increasing [illegible] the government, [illegible] we have given to support it. I will discharge [illegible]

[illegible] think there is some defect in the government, when such an oath was never required in this [illegible] ends? Those who quietly obey it, naturally, if they suffer by it, will find means to redress [illegible] you will make enemies. I hope there will be [illegible] ment, because I am against the bill.

Sir *John Mainwaring.* I will give you my private reason, why I am for this bill. Suppose you have a member within these walls, that should say, 'If you will do as I would [illegible]' [illegible] copy of this information of one of your [illegible]

Sir *John Guise.* When I see a gentleman give you this account, who is not likely to run away, I would have it heard on Monday; and I doubt not but you will think it worthy your [illegible]

Sir *Ch. Kemys.* I know not whether the member that said the words, may be here tomorrow; though, I believe, Mainwaring may be here.

Sir *Tho. Clarges.* This is an aspersion upon the whole house. For your own honour, if there be such a rotten limb, let him be named [illegible]

Col. *Birch.* It is not to say, 'name him, [illegible]' [illegible] determined by a question.

Sir *John Mainwaring.* Now I am commanded by the house to name the person that said the words, I shall do it. The reason why I did not name him was, because persons have sworn it. I cannot assert the truth of it; but the gentleman is Sir Thomas Grosvenor.

Sir *Tho. Grosvenor.* There was a bricklayer in Chester, who said, 'He heard me say some words, when I stood for parliament-man.' [illegible] the afternoon; and several citizens proffered to testify, upon oath, what this fellow was. He was bound apprentice to a person in Chester, whom he robbed, and another at London [illegible] was such a lying fellow. I caued this fellow [illegible] sent the Examination to lord Shrewsbury. [illegible] villany of this fellow. I entered into a recog[illegible]

Col. *Cholmondeley*[*]. I am sorry this thing has been [illegible] me, 'That sir Tho. Grosvenor need not trouble himself; for this was some quarrel only about elections.'

Mr. *Shackerley.* I must justify this person. Because he would not take the Test, he was turned out of the army. A letter was sent from captain Middleton, to cast bullets, for the army, out of the lead-mines; and this [illegible] bullets for king James.

Sir *Robert Cotton.* I know this Streetê did [illegible]

Mr. *Wharton.* I am sorry when there are any personal reflections in this house; but if you cannot get off from it at present, appoint a day. The gentleman is not accused by Mainwaring; but, for his justification, hearing this thing, he thought it his duty to acquaint you with it[*].

Sir *Henry Goodrick.* My opinion is, that this bill is dangerous. This began the Barons wars; but in those great changes none of these [illegible] When you abjure a government, you abjure your lands. A [illegible] will. I am as free to serve this government, as I was forward to bring it in. This is an abjuration that I cannot say I can maintain: abjuration is a renunciation of all protection [illegible] swallow abjuration of the royal family, under a branch whereof we sit, those of the church of England will not do it. The utmost neces[illegible] things. Upon the Revolution, gentlemen [illegible] tions of former oaths. I will come closer, this Oath [illegible] James. [illegible] was [illegible] England, and, of [illegible] were [illegible] Christians, [illegible] Oaths [illegible] a great [illegible] his own [illegible] country [illegible] Naples [illegible] [illegible]

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[*] Brother to lord Cholmondeley, made cornet of horse in 1685; and on king William's accession, appointed a groom of his bed-chamber. He served in all the wars of that reign; [illegible] wounded. In 1697, he was appointed brigadier general. In 1702, he was constituted [illegible] title. In 1724, on his brother's death, he succeeded [illegible] Hull, &c. In 1727, he was made general of horse; and, in 1732, governor of Guernsey. [illegible]

[*] No mention is made of this in the Journal.

[illegible] gentlemen [illegible]

[illegible] the [illegible] Oath [illegible] Lords and [illegible] [illegible] rest [illegible] contract? [illegible] must be [illegible] such [illegible] because they [illegible] [illegible] better [illegible] government. I am very [illegible]

[illegible] protect [illegible] from the Oath [illegible] Oath [illegible] great [illegible] [illegible] that we may [illegible]

[illegible] Mr. Re[illegible] said that [illegible] [illegible]

[illegible] The [illegible] of the [illegible] of Orange [illegible] the crown, a [illegible] Oath [illegible] against [illegible] the government, and [illegible] Oath [illegible] ever taken [illegible] to distinguish a title, then we [illegible] Oath of [illegible] Money [illegible] I [illegible] conclude, that this Bill may be rejected.

[illegible] more [illegible] to [illegible]

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† Lord Fa[illegible], and sir Henry M[illegible]. See p. 453.

[illegible] vernment being crazy, I would have buttresses to support it. The government was never as- [illegible] Great Turk. If this bill will bring in a commonwealth, I am against it, and I cannot believe [illegible] says so. We have had one Revolution, and, that we may not have another, I am for this bill.

Sir *John Lowther.* I speak now with great [illegible] with most part of this bill, and I am content to be a martyr for it: but I have a great deference to unity. Totally to reject this bill, af- [illegible] of a man of great authority (lord Carmarthen) I would have it fortified with such authority. [illegible] well as Papists. I fear the oath taken to abjure king James is not for love of this king, but to abjure all kings. I would not put so great discouragement as totally to reject this bill, but you may model it. It may lie upon the table, or be referred to a private committee; but I would not instantly commit it to the [illegible] vernment; but I do not desire that to be im- [illegible] ment, and promise not to bring in king James. [illegible] king in Ireland; and, worse than all the rest, [illegible] ney for the Army or Fleet, and all may be lost; and they descant, 'That the parliament would never reject this bill, but for some uncertainty [illegible] our money;' and the consequence may be, the Army will be upon free quarter, and the Navy not go out. Take it thus far into consideration; try if you can moderate the Bill to satisfy; and possibly, with a little pains, it may satisfy all persons.

Sir *Robert Howard.* I shall speak with all [illegible] me, that is fit. I know not what Lowther means by his 'deference to a great man,' whom he names not. You are told, 'This renunciation is a new thing;' but church and state can never be safe without it. What is your religion, your allegiance, but a renuncia- [illegible] tion? It is the whole government, and protection of church and state. I believe it in the [illegible] many, and friends too few. I would rather know my fate, than silently live under I know not what. Consider what renunciation is: you remove a king, and one may be king again. This being so, you have more cause now than ever to think of a renunciation. The king goes into Ireland; and if king James [illegible] selves yet free to join with him. The people who generally lend money in the Exchequer, [illegible] of king James is the subject of the Bill.

Mr. *Ettrick.* When this bill is laid aside, [illegible] I can readily come up to this. I hear the Church mentioned: I fear it may be a Church-trap. I should have been glad to see 'the king's heirs and successors' in the bill, [illegible] of Charles 2.

[illegible] more natural among private persons, and the [illegible] preserve itself; and this is nothing but a zealous support with vigour; and therefore not [illegible] This oath is to no other end than to respect [illegible] ment: It is not universal, to peep into mens [illegible] Lancaster. The Oath of Supremacy and Alle- [illegible] but when there are pretended titles against the [illegible] men renounce them. 'A king *de facto*, and a [illegible] implies another *de jure.* There are two allegiances in that case, and therefore fit to stick to [illegible] than to obey till I have power to rebel. To let them go abroad, and scatter this fire, you will restrain! I should be very sparing to impose this oath on any but in offices, but to have a discretionary power to give it. All governments do it; and you must do this, if you will preserve it.

[illegible] known to many gentlemen, that I have as [illegible] tion for this bill came in in an angry time of [illegible] parties. I cannot but observe, that it came in upon resentment. I went out for the Address, and against this Bill; but I see plainly, it resents matter of party and distinction; and, however well intended, it seems to be designed against one sort of persons. I take it, the Church of England is as sure to this government as any other part of it. It is their interest and preservation to despair of possibility of living under a popish king. None did their duties with more courage than that body of men, none suffered more deeply. The Popish party supported the lowest sort of men (the Quakers) to take them into their party against the Church of England. I say to this bill, the scope and consequence of it may [illegible]; it is not necessary, and therefore not advisable. I would have a day set to secure the government against all ill-affected persons. Now the king is going for Ireland, we have no account of the Militia. Seeing it is not done elsewhere, I move for a day to consider it, 'to secure the Government against all ill-affected persons.'

Mr. Comptroller *Wharton.* What fell from Williamson calls me up. It must touch upon me. This Bill was moved for by one and another; and I thought fit to follow it; and you might have rejected it upon the first motion. We are in an actual war against one that was king, and some hope may be. This bill is not against the Church of England. If any be against the government, and this king, it is that party, be it where it will, against which the bill is intended. If it be entered in your books, that this bill is rejected, I hope those against it will not be ashamed to let their names go abroad.

The question for committing the Bill passed in the negative, 192 to 178: and the question for rejecting it passed in the affirmative, 192 to [illegible].*

Debate on securing the Government, and suspending the Habeas Corpus Act.] April 26. Sir *Joseph Williamson.* That power I move for now, was formerly used in the exigencies of the government; and if there be not some extraordinary provision made, all extraordinary occasions, to lodge such a trust, for some few months, against such persons as shall be justly [illegible] us from the danger of all our rights, secular [illegible] terms to live and breathe in, without such helps. No man will use that for his constant diet, that is his physic when indisposed; and I foresee that such a censure may be made [illegible] it necessary to lodge a trust in the crown: as [illegible] *pro interim*, by proclamation, &c. and a dis[illegible] in the recognition of queen Elizabeth, it is taken notice of, 'That that law of Henry 8 shall be a law in the government for ever.' [illegible] I do not doubt but you will have a return suitable to the trust. My motion is, (and per[illegible] that voted with me on Saturday, that we be [illegible] 'That a power, for some few months, be in the [illegible]

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* "The greatest debate in this session was concerning a Bill, that was brought into the house of commons, requiring all their majesties subjects to abjure the late king James, under pain of imprisonment. Some of the Tories were at first for it, as were all the Whigs. The clergy were excepted out of it, to soften the opposition that might be made. But still the main body of the Tories declared, they would never take any such oath; and therefore opposed every step that was made in it with a great vehemence: they insisted much on this, that when the government was settled, oaths were made to be the ties of the subject to it, and that all new impositions were a breach made on that, which ought to [illegible] the original contract of the present settlement. That things of that kind ought to be fixed and certain, and not mutable and endless. That by the same reason, that the abjuration was now proposed, another oath might be prepared every year; and every party, that prevailed in parliament, would bring in such discriminating oath, or other test, such as could only be taken by those of their own side; and thus the largeness and equality of a government would be lost, and contracted into a faction. On the other side it was urged, that this was intended to be a security to the government during the war; for in such a time it seemed necessary, that all, who were employed by the government, should give it all possible security. That it was apparent, that the ambiguous words in the oath of allegiance had given occasion to much equivocation; many, who had taken the oath, having declared, as some of them did in print, that they considered themselves as bound by the oath only while the king continued in peaceable possession; but not to assist in supporting his title, if it was at all shaken. That it was become necessary, that men in public trusts should be brought under stricter ties. The Abjuration was debated in both houses at the same time. The Whigs pressed the king to set it forward; alledging, that every one, who took it, would look on himself as unpardonable, and so would serve him with the more zeal and fidelity; whereas those, who thought the right to the crown to be still in king James, might perhaps serve faithfully as long as the government stood; but as they still kept measures with the other side, to whom they knew they would be always welcome, so they would not serve with that life and zeal, which the present state of affairs required. At the same time the Tories were as earnest in pressing the king to stop the further progress of these debates, that much time was already lost in them; and it was evident, that much more must be lost, if it was intended to carry it on; since so many branches of this bill, and so many incidents that arose upon the subject of it, would give occasion to much heat and contest: that it was a doubt, whether it would be carried, after all the time which was bestowed upon it, or not: that those who opposed it, would grow sullen, and oppose every thing else that was moved for the king's service; and that, if it should be carried, it would put the king again into the hands of the Whigs, who would immediately return to their former practices against the prerogative; and that it would drive many into king James's party, who might otherwise be [illegible] duty to his majesty, or at least be [illegible]. These reasons prevailed with the king to order an intimation to be given in the house of commons, that he desired they would let that debate fall, and go to other matters, that were more pressing. This gave a new disgust to the Whigs; as it was very acceptable to the Tories: and it checked the advances of money upon the supplies that were given: it had a very ill effect abroad; for both friends and enemies looked on it as a sign of a great decay of the king's interest with his people, and his majesty's [illegible] to stop further

Sir *John Thompson*. If nothing but the dan[illegible] crown, I fear we are in an ill condition. You did not give power in the privy-counsel for six to commit without bail: yet they had the con[illegible] of your members (lord Danby.) Give me time, [illegible]

Sir *Edw. Hussey*. If there be such coun[illegible] 'The Act of Recognition is neither good-sense nor reason:' I desire not to trust such with so great a power as is moved for.

Sir *Wm. Whitlock*. I never thought of such a motion to be made; and I hope that no Englishman will give his consent to it. I will not trust the government with six privy-counsellors, nor six-score. It is strange that the [illegible] the people.

Sir *Henry Goodrick*. There was a bill [illegible] against the government, both by Papists, and worse, there seems something wanting in the [illegible] sent for the heads of parties against him, and [illegible] shire, a chain of intelligence of persons plotting against the government; but they are all [illegible] now upon a hazardous expedition, there will be a great check upon proceedings, without [illegible] of the Habeas Corpus act, but for a few months, [illegible] is dear to you, that such a power may be [illegible]

[illegible] sent here to pre[illegible] think I have acquitted my trust very ill, if I give it up; a 'security,' a member told you [illegible] you will do it a fourth! Suspending it thus

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[illegible] the matter, was [illegible] as an artifice only, to save the affront of its being rejected. The earl of Shrewsbury was at the [illegible] sels, thought he could not serve the king longer with reputation or success. He saw the Whigs, by using his majesty ill, were driving him into [illegible] deliver up the seals as secretary of state. The king sent Dr. Tillotson, and all those who had [illegible] lordship, threw him into a fever, that almost [illegible] keep the seals till his return from Ireland, [illegible] perly an oath of a special fidelity to the king [illegible] fered, in bar to this, a negative engagement against assisting king James, or any of his in[illegible] were penalties on such as should refuse it. In opposition to this, it was said, that this was [illegible] was gained in one day, was lost in the next; [illegible]

* This regiment had been sent over to Holland, for being concerned in a mutiny.

[illegible] repeal. At this particular time, now we have [illegible]

Sir *Christ. Musgrave.* There was a time [illegible] And shall we [illegible] If there be a suspicion upon any man of disturbing the government, the law justifies clapping him up. There is no end of this; the nation in fear of one man, [illegible] the government, is clapped up in prison to endanger [illegible] the government. Who [illegible] deal with them? I will not, I assure you. We have laid a load upon our estates, and now to lay a weight upon our liberties! No; I am not for that. That government is precarious that must be supported by taking away the liberty of the subject.

Sir *Robert Rich.* I was one that vowed never to give my consent to the repealing that Act; while I live, I shall ever make it my darling. It was thought [illegible] we parted with it. But those that were to be clapped up by it, walked in the court of Requests, and nothing was said to them. I am subject to the law, but would [illegible] upon me.

Col. *Granville.* I am surprised to hear a gentleman so forward [illegible] Oath of Allegiance [illegible] power [illegible] because I would not put arbitrary power into any man's hand, I shall propose an Oath now, which no man will refuse; 'To swear to king William and Queen Mary [illegible] the Act [illegible] adherents.' We have found the name and effect of tyrannical king James, and I hope we shall defend ourselves from the return of it.

Sir *Robert Rich.* I am one of those who [illegible] king, and to renounce king James; but as to [illegible] come up to that then, nor ever will.

Sir *John Lowther.* I hope you will believe that I will do nothing to destroy the liberties of the nation; but am for suspending any law, when the safety of the [illegible] depends upon it. I will not say where the fault lies, that the nation [illegible] where there are divisions, it is impossible the public service can go on. Where a man is willing to [illegible] have the censure of one or other, though I am [illegible] I do not deserve it. The government is in necessity, and at a stop. There is Credit given, but, after all, when [illegible] will be ineffectual. What I told you before was, that [illegible] meaning, but to support the government, and tell them all the arguments; that the house of Commons [illegible] Credit, I shall offer to propose something for your security; that something may be done [illegible] ought to swear to be true to the government, and not to take up arms against it. Time, place [illegible] tions. All this considered, I desire you will give leave for such a Bill, to impower the king to imprison such as [illegible] king James.

Sir *Edmund Jennings.* I was of king James's parliament, and the first that [illegible] against his Speech. I was against the Bill of [illegible] Dissenters. How could [illegible] against king William upon occasion. It is the monarchy that is aimed at. I am for a bill of [illegible]

[illegible] now. I shall be glad to return their kindness, [illegible] Habeas Corpus [illegible] and have another Oath—I take it only to be a [illegible] beas Corpus Act. You have been presented with several reasons for it; though gentlemen [illegible] name them. The liberty of the subject is at [illegible] imprisoned without a cause. A lord anciently [illegible] they left others the liberty of our persons; for the same necessity opens a door for my goods [illegible] Papists [illegible] lar dependencies? As for the Papists [illegible]

[illegible]

tion. [illegible] not in whose hands, if I shall reap the benefit, [illegible]

[illegible]

tender, It shall be always my endeavour to [illegible] most service-able to the Church and State."

April 29. The house went into a grand [illegible] state [illegible]

Sir *Edm. Jennings.* I would have the Militia [illegible] some way to call them together for some farther time; and as to the papists, that they stir not from their houses.

Serjeant *Maynard.* If you would defend yourselves from danger, consider what that danger is, and the cause of that danger. The Militia [illegible] a great enemy, the French king, and all the malice imaginable against you from a potent adversary. [illegible] our duty; but, when conquered, it is no more our duty; it would make a mad world, if otherwise. I would have an Oath, 'not to [illegible] present king or government, without discovering it [illegible], and to have no [illegible] the French k[illegible].'

Col. *Granville.* When I heard the order of the day read, I thought our safety so much concerned, that, instead of breaking a jest, (Napper [illegible]) [illegible] king James. The business of the day is to [illegible] For aught I know, [illegible] Test great enough, but wherein king James is named; and those that will not declare against him, I shall always think enemies; and I hope, [illegible] keep [illegible] a protestant foundation. Let this be tendered [illegible] they please; but that the queen, in the king's absence, may cause it to be tendered where there is just cause to suspect. When a man has [illegible] government, he cares not how often he repeats it. The business of the day [illegible] our enemies, that papists give security to the government, [illegible] the government. I therefore move 'for a Test a[illegible].'

Sir *John Thompson.* My motion was, 'To [illegible] masters, [illegible].'

Sir *Joseph Williamson.* This day looks melancholy; many worthy and judicious members [illegible] which [illegible] Test, [illegible] powers, [illegible] we do not discover before they [illegible] to [illegible] suppress them. I hope for better effects abroad, if we do something of this nature, a tye [illegible] great Revolution. I wonder that the Oaths of [illegible] we take to the crown, [illegible] would take in the Quakers; they were in with king James, [illegible] I would have [illegible] and renounce all correspondence with the king's [illegible]herents; and I wonder how this was left out in the last Oath. Do something of this in the first place, and then in the Militia.

Resolved, "That it is the opinion of this committee, That as one Head of a Bill for securing the Government, &c. by order from [illegible] Militia with a month's pay notwithstanding the [illegible] be not yet reimbursed; and for a longer time [illegible] 2. That [illegible]ther Head, all Papists, or reputed Papists, be obliged forthwith to repair to and continue at their respective dwellings; and not to depart from [illegible] the distance of [illegible] without licence; and that, if they be found at a greater distance, they be taken to be Papists convict, to all intents and purposes whatsoever. 3. That, as another Head, a Test, or Declaration of Fidelity to the Government under their [illegible] the present government, as it is now established in Church and State, be enjoined to be made, [illegible] were agreed to by the house; and a Bill was [illegible]*.

Debate on the Regency Bill.] April 30. An [illegible] king's absence, commonly called "the Regency-Bill," was read the second time.

Mr. *Hampden.* This bill is of great importance, [illegible] something of this purpose, must be. This is to [illegible] done [illegible] go away as it is, I doubt it will be a little troublesome. The king gives out the Commissions [illegible] will those old commissions stand in force? Will it not be in the nature of a demise, a kind of [illegible] I know not which way to offer it to you, but I doubt it will make a chasm in your affairs. If this be worthy your consideration, I hope gentlemen will speak to it.

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* "The Tories, aware that the rejection of the Oath of Abjuration would be made a pretext for infusing suspicions of their loyalty into [illegible] opportunity to avert them, by proposing other [illegible] Corpus, the most obvious and effectual plan for this end, afforded their opponents advanta-[illegible] Somerville.

Serjeant *Maynard.* It is worthy our consideration, what council the king will leave with the queen. If the Bill pass as it is, all the jus[illegible] missioners do not determine. All the regal [illegible] queen; as this Act is now penned, how can [illegible] from the queen? This is of vast consequence, in a hot war with a mighty power, and all [illegible] queen.

Serjeant *Tremaine.* I have looked upon this Bill to be of great consequence; and great care [illegible] against it. I find the Bill says, 'The regal [illegible] unto belonging, shall be in the queen.' By this it is a great doubt, when the king comes [illegible] the queen; so that if the king comes into Ireland, that he may be in a capacity to do something, it will be your wisdom to put it out of all [illegible] shall be in the queen;' if she dies what then shall become of the government? Here will be a failure, and a stop.

[illegible] easily obviated, leaving out the word 'Territories;' when it comes to England and the plantations, 'Territories' make it very doubtful. Then there is another objection, 'What if the [illegible] made *Custos Regni*; and, no doubt, there is a cessure of the administration. A *Custos* [illegible] Another objection is made, 'That the commissions in the king's name are all determined;' of that there is no colour. All commissions are from the king and queen; if once under the seal, it is a sufficient authority for all persons to [illegible]

[illegible] mentioned, I believe there will be no dis[illegible]

Sir *John Guise.* It is absolutely necessary, that this bill be committed. I think Sawyer does not take it right; and possibly I may think [illegible] ther these commissions cease, or not?

[illegible] not as general of the army, surely.

Col. *Birch.* To my mean capacity, this is a [illegible] safe under it. The king's going to Ireland is [illegible] We have a brave army, a gallant army; but so disappointed, that I fear the consequence: and should the king be in Ireland, and cannot come [illegible] lump; and who shall those commissioners be that must turn the whole in the king's absence? From what has been done, you may guess what [illegible] I am of opinion, that the Bill is impracticable, and I would lay it aside.

Serjeant *Blencoe.* It is said, 'The king [illegible]' In answer to voiding the commissions, it is said, 'That those commissions continue:' But when the king is gone, it determines that power. All those authorities derived from those commissions cease, because the authorities cease.

[illegible] the bill. I desire those gentlemen to declare, [illegible] this bill.

Sir *Rob. Howard.* I think you may declare [illegible]

Sir *Tho. Lee.* All agree, that it will be a great difficulty. I consider this law of transferring the administration; it is a new word, but will carry all the rights along with it, as if the [illegible] ing for Ireland; but there must be another [illegible] find it expedient not to go, it would be very happy; but to reduce him to the necessity not to go, nor to stay! I think, if the king should [illegible] that he has of one ship. I would see, whether [illegible] turned to enable the king to make a *Custos* by parliament? This is a hint to the long robe that I dare not venture upon. I would not interfere with the king's measures, which, I be[illegible] fore go into a committee to-morrow.—The [illegible]

[illegible]

Mr. Solicitor *Somers*. 12 Edw. 3, the duke [illegible] of Bedford, the king's brother, was Custos, [illegible] cedents. 15 Edw. 4, in his expedition into France, Edward, prince of Wales, was Custos during his absence, and till farther order. 19 Henry 7, the king constitutes, in his absence, [illegible] James 1, in his absence, till farther order, the privy-council were constituted, and no name given in the commission, but to take care [illegible] time, the council were impowered much as in king James's time, all determinable *in absentiâ nostrâ in partibus transmarinis, et donec redier*: all those powers to be exercised by a particular council. In Edw. 3's time, three counsel[illegible] *Regni*, it was expressly appointed what act she [illegible] council. These I lay before you, and make what use of them you please. This is a new case, and like none of those I have mentioned; and we are in a government not a year old. [illegible] great consequence; and, as this case is, to consider extreme well what is done. It is discoursed of abroad, of a Commonwealth, and [illegible] divesting. The necessity of a change should [illegible] able and invincible, that it should always carry its own excuse along with it. I heard it mentioned yesterday, 'That all commissions do determine upon this Regency:' but if it be a doubt, it is your great concern to obviate it. If some, in the king's absence, should refuse to [illegible] question will be as to the continuation of the parliament: but, as to the king's exclusion of all power, during this regency, it was proposed, if you leave out some words, 'it would be a cure, if the words ended there at dominions, &c.' [illegible] —Whatever necessity, or orders, are but letters of intimation from one to another. If the [illegible] things: the bill says, 'As often as the king shall be out of England, &c.' I will suppose they go to be crowned in Scotland, all their power ceases; they are no sooner on Scotch ground, but all regal power ceases; there [illegible] their authority. It is a nice distinction to separate regal power from authority; and since [illegible]

[illegible] have heard from the learned gentlemen, no wonder I should doubt; but when we are in a [illegible] are told, 'That as this bill is penned, commissions of the peace cease.' I offer, that, instead of the enacting part, you will declare [illegible] well as in Ireland—One difficulty only, of several commands; but there will be such a deference to the king's resolutions, that he will always be obeyed. And that, on the king's return, the queen's power ceases, I think will [illegible] to be of equal force as if done by the king.

[illegible] do. It may have some resemblance of the great power of the world; it may create, and uncreate. It may make the moon shine, for ought I know—But we have the case of lieutenants, guardians, and Custodes [illegible] that is not our case. It was never before in the world. Here are a king and queen, and a king invested with regal power, and you divest him, and put it into the queen. The king can [illegible] queen is the regal power, as our queen can or could do; she may dissolve this parliament, raise an army, set out a fleet. I know not how to qualify these things, but I see terrible consequences. When an act of parliament comes to terminate his power, I know not how that will operate on all commissions. I know not but some men may have a strange notion, when the king is gone, that it is a resignation of the crown. A king and queen of [illegible] there be to send ships out of Ireland? Though I think it of mighty advantage that the king [illegible] consequences than I can enumerate. My motion [illegible] time to consider of it.

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* On a complaint of sir Edward Seymour. See the day, p. 619.

Sir *Robert Sawyer*. That it is necessary [illegible] agree; and I cannot think any way but by [illegible] this nature; for the power of Custos Regni is [illegible] delegate of the king's; though he might do [illegible] parliament. It is not designed to exclude the [illegible] France, but that there must not be a defect of the administration, during the king's absence. [illegible] not [illegible] us. I move to let the bill lie upon [illegible]

[illegible] not one man nor woman but will trust her. By [illegible] spoken of are like making a map of a country [illegible] counsellors, and they named; but as for the learned gentleman (Sawyer) I am sorry I sel- [illegible] Aquinas brought religion to nothing by dis- [illegible] tume? Being derivative from it, the king has it no more, it is in the queen. All that is done [illegible] upon a moot point on a sudden! Let us consider of it, and God direct us! We are fallen into a wilderness entangled by our enemies; God send us well out of it! Many hold themselves not at all bound to king William. Queen [illegible] if that stand, I care not what becomes of me. [illegible] here! The thing is so great, that I am upon [illegible] ment in his absence. I am not for putting [illegible] power.

[illegible] are not so ready to determine a thing of this consequence. You have heard a great many objections made; I cannot pretend to answer them. You have had a motion to adjourn the debate till a farther time; but if you consider, it will make a great alteration, the government [illegible] prehended. I hope, that, if there be a necessity [illegible] should go. I would not be left here without some provision for the public peace. I would not have the debate put off, till I know not when, nor for I know not what. If the ob- [illegible] when in Ireland. But the great difficulty is, if [illegible] we shall not send out a cock-boat. Let us not, [illegible] *de diem in diem*, till we have settled the thing.

Mr. *Harbord*. I am amazed to see us handle such indifferent things, and let the government sink. I will lay it open plainly to you; though, I confess, the maxims of king Charles [illegible] sented, for what a man shall say here, as I have been. But for an Account of Ireland, why in such a condition? The troops are not able to march; officers are not paid since the [illegible] sistence money; to the Army 80,000*l.* due. I [illegible] be too late to think on it.

[illegible] Abdication; if he has a mind to another abdication, those near him, I hope, will acquaint [illegible] narchy and church. I would have a week's [illegible]

Sir *Edw. Norris*. If the king should die in [illegible] should not oppose him?

[illegible] debate confirm me in what I thought, when we first entered into it; that there would be [illegible] when it has passed both houses, I need not [illegible]

Mr. Rowe for dispersing a Libel.] May 2. [illegible] attending in his place, being charged, by sir Edward Seymour, with dispersing a Paper [illegible] Government and [illegible] the same was brought up to the table, and read; being entitled, 'A Letter to a Friend, upon the Dissolution of the Parliament, and the calling of a new one; together with the List of [illegible] the prince and [illegible]'*

Sir *Edw. Seymour.* I shall not say much [illegible] Libel, I [illegible] published it.

Col. *Austen.* I am as much against these sort of practices as any body; but may I not name a member guilty of the same crime? It was col. Beaumont, who brought a Libel, and out of it named clauses, and persons that brought them in. Pray accept of this Libel, [illegible]

Sir *Edw. Seymour.* I humbly speak to your order, [illegible] Mr. [illegible] you [illegible] Libel, and, before you proceed, I beg your determination in that; and let this gentleman have the censure. This has been kept long. Mr. Rowe was charged in his place, and had time, and I presume that gentleman (Beaumont) [illegible] If both belong to one thing, I hope you will [illegible]

Col. *Austen.* I thought you were bringing [illegible] til I am answered in another nature.

The Speaker. [illegible] they are crimes, and severally to be answered When you call for it, it shall be ready.

Sir *Tho. Clarges.* You have read the Paper; [illegible] one and the other paper are gone all over England, not only into Cornwall. It is injurious both to king and subject; but since you [illegible] notoriously scandalous, you ought to pass your censure, and declare the paper 'scandalous, and [illegible]'

Sir *John Guise.* I would have us all agree in moderation: it has been a consideration [illegible] not [illegible] of sharpening humours. If those arguments [illegible] and sharp censures. I know no country (but [illegible] no Church of England men; these are notorious [illegible] I would have equal justice done in these things. If you think it convenient, go on. I have something to say of other men, and I am sure [illegible]

Mr. *Godolphin.* I never gave my vote *nec ad aulam, nec ad populum,* but *ad liberandum* [illegible]

Sir *Christ. Musgrave.* Hearing my name, in that Libel, calls me not up. I am the same [illegible] reflections upon the king, you must pass judgment [illegible] The other Libel [illegible] you, you must pass judgment upon this paper before you. It is a violation of the constitution of parliament. If persons be exposed for their votes here, it may work upon the *mobile.* (I fear it not, I am not considerable). First, take [illegible] the government, and [illegible] Libel, 'A high reflection on his majesty and his government,' and pass a judgment next by itself.

Mr. *Harbord.* A libel was seized by Mr. Frazer, and brought into council. The tenderness of the king was such, when it was brought before him, that the person was warned of it at his peril, if he did disperse any more. Though this be a great fault, I know not how things [illegible]

[illegible] thus. Some days since, a gentleman was accused [illegible] and a day given him to appear. When that day came, the gentleman was not so early here at his time; afterwards he came, but you deferred it; you then thought fit to adjourn it. The gentleman is now in the house; you must [illegible] withdraw, he cannot be here; and you then [illegible] your member is guilty; and then proceed to censure of the Libel. This before you is but a copy of the print, and the person attesting it is [illegible]

Sir *Edw. Seymour.* Harbord has given you an account of what was done in council; I be-[illegible] When Mr. Rowe had dispersed these libels in great numbers, [illegible] next election of a parliament, you will have [illegible]

Mr. *Harbord.* I understand my oath as a privy counsellor, and will keep it. In what I informed you, counsel was heard on both sides, [illegible]

Sir *John Lowther.* I am one of those that are of opinion, that there is nothing more dangerous, nor of worse consequence, than libels. As to this, of dispersing libels at elections, we need not [illegible] enough abroad. I believe, if there be a scru-[illegible] who dispersed it, nor does it appear, that this is the libel he did disperse. I know not how a court of judicature will take this libel to be [illegible] manded; but not to widen the gap, I move, [illegible]

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* See [illegible]

[illegible] your time in little else. I would adjourn it to this day fortnight.

Col. *Austen.* I am no great lawyer, but [illegible] said on the one side, will be proved on the [illegible]

Sir *Edw. Seymour.* I have not told you one [illegible] be proved. To vote this a libel, and to let Rowe sit to vote whether it be a libel or not, you will have work enough. If you go on, let witnesses be called in. Here is a copy of a printed Paper; the information is, 'that Mr. [illegible] he had no more; and, before it was printed, Rowe said he would print it.' I would not bring a trifle before you; this is worthy your censure; if not, you will have enough.

The *Speaker.* This is a copy of a printed P[illegible]

[illegible] me to be so proved, as to put a question upon it. It may be proved, and I believe it as much a libel as any body, but it spread very universally. You may go upon both the libels, but I believe, in your prudence, you will lay them aside. At the beginning of this session, two [illegible] sideration of a committee, but you have had no report; perhaps the committee in prudence would not do it. I hope the prudence of the [illegible]

Sir *John Bowles.* I wonder Seymour should [illegible] It was this very Paper that was dispersed. I confess myself 'a very ill *copy*, and full of *errata*;' but I take Bowles to be 'a great *original*.'

Sir *John Bowles.* I know not why he should call me 'an *original*;' but I would not go after [illegible]

Col. *Birch.* I know not how many of these [illegible]

Sir *Tho. Clarges.* You say 'the Paper re[illegible] gentleman tells you, 'this very Paper was dispersed.' You must propose a question before you adjourn this debate. No expedient can [illegible]

Mr. *Hampden.* I see the debate is like to beget great heats. I have a libel of infamous [illegible] well as others. A thing read in a noise cannot be strictly examined and censured. To say [illegible] bates is a question, and put it, Whether you [illegible]

Sir *Thomas Clarges.* I would know upon what question the debate is adjourned? I will [illegible]

Mr. *Finch.* I speak to wording of the question. [illegible] debate, I would never have the question worded [illegible] this to be a Libel. If the question be to adjourn, I offer it thus; 'That a debate arising [illegible] the debate of it to such a time.'

Sir *Christ. Musgrave.* I take this to be a [illegible] able to justice that you deny no man.

Col. *Austen.* Several things must be debated before this comes to issue. I can never think a deliberate thing to be a reflection upon [illegible]

Lord *Eland.** I think the kindest motion for Rowe is, to call the witnesses in; either the [illegible]

Sir *Tho. Lee.* The first question is, Whether [illegible] speak. I would plainly understand—I am for vindicating the king's honour, for if this had [illegible] a treasonable Paper, from a man under some [illegible] this is one.

The question being put, That the debate be [illegible]

Resolved, "That the Paper entitled, &c. (as above) is a false and scandalous Libel, reflecting upon their majesties and their government, [illegible]

[illegible] house went into a grand committee, on the Regency Bill.

Sir *Charles Sedley.* The objection the other day was, 'That all Commissions determine, if you lodge the power in the queen, in the king's [illegible] I cannot see any hurt for so short a time, by [illegible]

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* Son of the marquis of Halifax, to which [illegible] 1699.

Sir *Wm. Whitlock.* I find that every body believes the king intends to go into Ireland, and [illegible] tion made is, the danger of the trust in the queen; but you may trust either, or both, in [illegible] powers, [illegible] tration of them. Leave out the words, ' [illegible] ment exercise regal power in Ireland, and the queen in England; and when the king returns, [illegible]

Serjeant [illegible] Bill are, 'That the king going out of England into Ireland, there is a necessity somebody [illegible] are moved, 'That the administration should be put into the queen, but not out of the king, [illegible] what turbulences and great disturbances there [illegible] what I hear be true: with whom have we war? [illegible] King James is but his tool; with whose money, [illegible] can any man be so simple as to set up any body, but himself? Consider, if this Army pre[illegible] king James, but the French, that [illegible] these kingdoms. Will the French king, out of kindness and compliment, part [illegible] money? I would have the Bishops consider [illegible] ones, or those that are out; and I would have the Popish lords consider, who live quietly: will the French king let the English have great [illegible] corrupted; we sent to know, from whence this [illegible] From those that acted or advised? I propound [illegible] religion, a great man, the duke of Schomberg, [illegible] must give our souls to him, and he will take our estates. I did not say we should name a [illegible] all. Those that would keep king William out, [illegible] in, it is strange they should be trusted. The alterations in the Militia of London have ever influenced England, and we give the king [illegible] in! Confirmations of the Liberties of the [illegible] the churchmen.

Sir *Tho. Lee.* If you will have only the [illegible] spoken of, you will have but a few of either. I am afraid, if a man pass away a manor, and [illegible] will judge it for the purchaser; and Ireland [illegible] afraid I cannot distinguish them, [illegible] turn regal power out of possession, I am not [illegible] no power, or leave him only king of Ireland. [illegible] taken up by the people, I think this Bill necessary, and I hope the long robe will find out such a way to invest the queen with the Regency, as not to dispossess the king. I would [illegible]

Sir *Tho. Clarges.* I do not undertake to be [illegible] plain we are in great exigency, and the king, [illegible] would not be hasty in advising. I would not raise such a heap of difficulties, that we know not which way to turn. The French king has committed such great cruelties; scarce such since the Roman persecutions. I would rather [illegible] a condition, that his presence is so necessary there, or Ireland will be lost? What if the king [illegible] land be lost, and he tells you, 'By your advice I did not go!' You are moved to give the queen [illegible] sence; shall the queen's hand be enough to warrants in the king's absence? There are perplexities every way, all will be of no effect. If [illegible] go. I see no great hurt of adding 'Adminis[illegible] the king may be in a possibility of saving that kingdom.

Sir *Christ. Musgrave.* You have a difficult thing before you. Our duty is to make the [illegible] and kingdom. I suppose it is not any body's [illegible] the king; and I should be glad to be informed, [illegible] in the king. I would not take away power [illegible] of Ireland, shall be obligatory here.

Mr. *Foley.* To prevent two co-ordinate powers, let the queen have the [illegible] till farther orders may be received from the [illegible] ...ings that went into France. I know of no- [illegible] know. Now is a joint sovereignty, which can- [illegible] cannot do by commission. I think there is [illegible] the way and manner of it. See what that [illegible] land; in the whole course of the government [illegible]

Sir *Wm. Pulteney.* All agree, that it is your intention not to divest either king or queen of any thing in the Act of Recognition. As this [illegible] but I think a short bill may be drawn for the [illegible]

Lord Commissioner *Hutchins.** If I have [illegible] whether the queen is not so amply and fully [illegible] dangerous consequence, and how far the com- [illegible] here. I humbly propose, that this may not [illegible] the administration of the government in two persons, and to divest the king of it is not to be thought of. I move, That the Government may be executed in the name of the king and [illegible]

Mr. *Hampden.* I observe, most gentlemen speak very doubtfully. The more I hear of this bill, the more doubtful I am; and the more I hear the debate, the less am I able to resolve myself. You are got into a labyrinth by this discourse. If there were a precedent, it would help us greatly; but no precedent can be quoted that will reach your case. I am afraid to bring your constitution to a school-point. *A videtur quod sic, probatur quod non.* The government is settled, and I desire to con- [illegible] ther we nor our posterity can ever repair. [illegible] king is going abroad, and you are finding [illegible] to be safe when he is gone; but I doubt, by this act, you can never be so. This will not come together by a concurrence of atoms, according to the new philosophy; but when [illegible] find so many difficulties, that you will not [illegible] differences. I have some other thoughts. You [illegible] intend) it may not unsettle what may never be [illegible] dered if some other thing may be thought of. An act is a dangerous application in such a [illegible] act of parliament done? And now, to break into your government in its infancy! I doubt [illegible] work. I desire it may be considered, whether a way may not be found to arrive at your end, [illegible]

Col. *Birch.* By all I have heard, by this debate, there is more and more difficulty; and [illegible] has been offered to be effected without this act; if it can be sure, it is the safest. I [illegible] but that the king's learned counsel may bring in [illegible]

Sir *John Lowther.* You have had a propo- [illegible] it to the king. But, when all is done, will this satisfy the people? And will it not constrain the obedience of the subject? Unless it be a law, it will be laid aside: though the intimation of both houses will carry great autho- [illegible] may go upon. You are told, 'If it were [illegible] land, all would be against it, but for a concur- [illegible] question; if not practicable, go to some other expedient. If it be practicable, I have not heard of a better. It is objected, 'That the two powers may clash, and a question, which [illegible] not be known. But, admitting there should be clashing, you may, in a few words, help it [illegible] turn to what it was

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* One of the Commissioners of the Great [illegible]

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Mr. *Hampden.* I am of opinion, if you [illegible] then [illegible] it *in pleno parliamento,* and it is a law. In the [illegible] except, [illegible] have consented; not that I intend to introduce a [illegible] parliament. You told the king, 'You would [illegible] a form, without act of parliament. It may succeed well, but is a dangerous expedient.

Mr. *Finch.* If the king goes into Ireland [illegible] the government is in the king and queen; the administration in the king alone: what do [illegible] power is by the king alone; his will and pleasure gives the sanction to obey. Royal assent is both in the king and queen; but the king's [illegible] exercise should be in one, else it could not be obeyed. It is but one regal power, invested [illegible] defect of immediate administration requires that this must be by act of parliament. I [illegible] commission to a Custos Regni, upon return of [illegible] he must write for directions from hence, which is absurd; somebody must be in, [illegible] king being in Ireland, regal power in both, [illegible] You may declare, 'That, during the king's [illegible] the difficulty; if there be more, it may [illegible] administration: this makes no alteration in [illegible]

Serjeant *Tremaine.* We all wish that there was no occasion for the king's going. The question is, Whether it is not a great [illegible] his going, than staying here? (Sir Wm. [illegible] stay.) This bill, besides the Act of Settlement and Recognition, says, 'The regal power is in the king and queen; the exercise in the king [illegible].' This bill will quite take [illegible] power [illegible] the queen. What [illegible] have in Ireland? I desire it may be considered [illegible] Scotland may [illegible] give a precedent to shift and change the government, &c. I cannot tell what [illegible] may be there, whether it may [illegible] be said, 'That the king has parted with the government of England, and is gone into Ireland.' I would consider, whether this may not [illegible] act of parliament.

Sir *Tho. Littleton.* All I have heard proposed, tends to unsettle the government, every one of them. Your government is not strong enough to try experiments upon; you have too many already. As to the queen, &c. in this Bill, it does downright depose the king. I am sorry it was no better considered before it came from the Lords. If that it be every body's intention, that the administration shall not be out of the king, I ask, to what purpose is the bill? It is as easy to send to the king for orders, [illegible] the king must be concurrent in. It is said, 'If the king give [illegible] to the contrary, the queen's orders shall be obeyed.' Can the king know a thing before it be done? And if done, and the king direct [illegible] the contrary, it shall be good, though the king never knew it, and it is done; it is good, whether the king direct it, or not direct [illegible] The queen cannot [illegible] say, the king and queen [illegible] particular purposes. If, by commission, she be Custos Regni, how far may it be for her honour to stay here! A thousand things may be said, able to make a man's head [illegible]

Sir *Henry Goodrick.* We have heard a great deal of learning on this occasion; and, I am confident, good affection. The safety of the [illegible] England, are the [illegible] Whoever gave the king [illegible] advice, if the utmost necessity did not justify it, [illegible] dares own it. It is [illegible] thing for a man to countenance the king in it. God directed his glorious expedition. I take it for granted, that the king will go into Ireland, and now we are upon the [illegible] The question is now, Whether to divide the regal authority? If one go out, [illegible] it, by commission to a Custos, or Custodes; if you go by any former precedent, I doubt you will be mistaken; but [illegible] power so reversed, and the king to resume it at his return. I hope you will come [illegible] and [illegible] dissuade the king. (And so reads a question.)

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* See vol. iv. p. 119.

Sir *Wm. L. Gower.* I am persuaded that the king has taken a resolution to go; but I [illegible] that he must leave his regal power behind him; and I would address to inform him so. I am not for chopping and changing regal power, to go a king from England, and be but a gentleman in Ireland; and am as much against a [illegible] Regent. [illegible] council, to inform the king so, and to stick to the Act of Settlement. [illegible] entirely, or keep it entirely; and do not make him a king, and unmake him again.

Sir *Henry Goodrick.* The king, in his Speech, said, 'He was willing to leave the [illegible]' [illegible] I fear, nothing likely to be, till the king comes into Ireland. I look upon the king's resolution [illegible] Ireland. I would willingly take longer time to consider; but I look upon the king's resolution [illegible]

Col. *Austen.* I would defer proceeding any farther, till the king gives intimation how far [illegible] regal power. [illegible] soon, none knows without doors how soon it may alter again. I move for some modest question to the king, to know how far he would be divested of the regal power.

Sir *Christ. Musgrave.* If the king had not said it, in his Speech, you might have done so; [illegible] mind to let him go; I dare not say so. Some are against an Act; but, if not by act, what [illegible] act of parliament. When by commission, may not people say, 'The power is in both; and I am not, by law, obliged to obey without act of parliament.' [illegible] what will be the consequence? Read some of the propositions.

[illegible] Lee. I am [illegible] with [illegible] that Clause. So few are for its standing in the [illegible] the place of it. I observe, the king said, in his Speech, 'If you thought it necessary, he should go, &c.' It has been said 'The king [illegible] you? This use may be made of the debate; the house may give order to compose a Clause, [illegible] the king [illegible] rity, and not know how to give it him again. [illegible] you may have a Clause to answer your ends.

Mr. *Godolphin.* That there may not be indecent jealousies betwixt the king and queen, [illegible] king's absence, I proffer Finch's Clause.

[illegible] have said what he did, in his Speech, of Ireland; and I wonder at it, when I hear men in [illegible] 'He [illegible] man in the greatest post in England said.' [illegible]

Mr. *Harbord.* I am not only astonished at [illegible]'

Mr. *Finch.* I am not fond of any thing that I have delivered to you; my proposal was, '[illegible] controul of all, and she is subject to the king's [illegible] peace and war: it is impracticable, unless he [illegible]

May 6. The house went into a grand committee, on the Amendments to the Regency Bill.

Mr. *Powle.* When I heard this opened, I [illegible] viso, and says, 'It shall, notwithstanding, be [illegible]'

Mr. *Finch.* [illegible] There is a great deal of difference; the king is [illegible]

Sir *John Guise.* I am dissatisfied with what fell from Finch. If 'the king has resolved it,' and we must not debate it, I think the freedom [illegible] 'He will trust the queen,' and that is not a thing to be talked of here, I have done.

Sir *Wm. Pulteney.* The distinction offered by Finch, if it be a distinction, is a wonderful nice one. Whatever the queen does, if it is [illegible] power. I would not have the government depend upon such nice distinctions. If it puts [illegible] haps all those objections may not happen; but [illegible] world as rational men. I appeal, whether ever [illegible]

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* [illegible]

[illegible] It [illegible] days, [illegible] but I [illegible]

Sir [illegible] are [illegible]

Sir [illegible] P[illegible] [illegible] Scotland, [illegible] the [illegible] government.

Mr. [illegible] I [illegible] the [illegible] No [illegible] so long as [illegible] This clause [illegible] the queen, [illegible] exercise [illegible] of the queen's power. [illegible] the [illegible] does is [illegible] by the Clause.

Mr. [illegible] No man [illegible] it was [illegible] I suppose, [illegible] that it is [illegible] places, or [illegible] the queen. I [illegible] her the [illegible] and [illegible] But I [illegible] ever proposed that [illegible] power [illegible] and I am as far from mistrusting the queen as any body.

Sir [illegible] Howard. [illegible] green a motion [illegible] For a [illegible] strange are men [illegible] We [illegible] only [illegible] I [illegible]

Sir [illegible] W[illegible] The Bill [illegible] Mr. [illegible] the rest, I [illegible] For [illegible], pray put the question.

Sir Tho. [illegible] I have heard [illegible] Sir [illegible] the [illegible] and [illegible] whether [illegible] to say [illegible] queen [illegible] and the king [illegible]

Sir [illegible] L. Gower. I [illegible] as [illegible] power in Ireland. I [illegible] and [illegible] did the king [illegible] Ireland than [illegible] had rather [illegible] all parts. I would not have the king [illegible] Ireland to head a [illegible] army. [illegible] possession of a government, [illegible] and [illegible]. I had rather Ireland was lost than England, [illegible] be so.

Sir *John Lowther.* Gower has dealt sincerely with you; it is not for the king's [illegible] Ireland. [illegible] that [illegible], I am ready [illegible], but if [illegible] other advice to the king, I am [illegible] Some [illegible] Proclamation may [illegible] as effectual as an act of parliament; but the objections are stronger against a proclamation than an act. How [illegible] the queen, [illegible] with the king? I see no way [illegible] to be done by proclamation, [illegible] may [illegible] be by act. It is strange not [illegible] king go out of England be the [illegible] ever [illegible] kings have gone into Ireland and Scotland, and then there was no [illegible] a Custos Regni, and now we have a person [illegible] in the choice of a person, [illegible] manner how to be executed with his authority. [illegible] that it is absolutely necessary that the king go, and that there was no queen in the case, then there must be a Custos; if a means is to be found [illegible] it is as absolutely necessary to be the queen as any person. The only clashing is about the orders [illegible] stand in force, that they do not interfere, but that the king's are to be executed first. His general instructions was [illegible] out absolutely, that there is a necessity for the [illegible]

Sir *Henry Goodrick*. I am sorry we have nothing but apprehensions upon us. I would [illegible] I would trust in nothing but in God above, [illegible] a senate's Address to a doge of Venice, as [illegible] ber. I am not jealous, frighted, nor have [illegible] this or that man's doubt. There is a necessity [illegible] quest of Ireland.

Col. *Austen*. I know not how the compa[illegible]rison of 'the Doge of Venice' can be applied [illegible] and this will make him 'a Doge of Venice' it would then be proper to have a table of what [illegible] and no one's else? Where did this scheme and resolution first rise? If it be good, they will own it; if not, it is in the dark. I doubt we [illegible] We have a right to address the king (and it is [illegible]

[illegible] you enable him, I hope he will have victory, and after that peace. I should be glad the queen [illegible] but by bill; but rather than Ireland should be [illegible]

[illegible] vised with us, but told us, 'he will go.' His [illegible] If you do not pass the Bill, it is impossible for [illegible]

Sir *Edw. Seymour*. We have been two days [illegible] to-day. I have seen how the debate has been [illegible] stitution out of rules, of the two evils, the least [illegible] act at all? Several projects have [illegible] long here. When the king is gone, the go[illegible] a good clause before you; there is no objection against it that is solid; put the question for that clause.

Sir *John Guise*. It is said, 'The king resolves to go into Ireland.' I had thought, that, [illegible] to Scotland, I have heard dismal accounts [illegible] proper to countervail all these difficulties? If [illegible] general in his absence? If any misfortune happen, I have done my part, and I tell you, I will go as far for the good of the nation as I can.—The Amendments, reported by the committee, were then agreed to by the house, and the Proviso was ordered to be ingrossed.

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* Sir [illegible]

May 7. The Regency Bill was read the third time.

Mr. *Foley.* I suppose it is the intention of the house, that the king have the administration of the government, when he comes back. I proffer a Proviso to assert whose orders shall be obeyed; viz. 'That the king's shall be obeyed.'

Sir *Christ. Musgrave.* This proviso supposes, that the queen will not obey the king's orders. I would lay it aside.

Sir *Tho. Littleton.* The clause has no hurt in it: it is possible the queen may be surprized, and orders may be sent unknown to each other, and both cannot stand good: if such a thing should happen, there is no hurt in the clause.

Mr. *Finch.* The only reason I hear for accepting this clause is, 'Because there is no great harm in it:' and of the clause, that it is no great harm; but I never heard it was a reason to receive it, because there was no great harm in it.

The Proviso was rejected; and the Bill, with the Amendments, &c. passed.

May 8. The question being put, that the Bill for reversing the Judgment in a Quo Warranto, against the city of London, and for restoring the city of London to its ancient Rights and Privileges, do pass, the house divided, and it was carried in the affirmative: yeas 166, noes 76.

Proceedings on the Bill of 500l. Forfeitures.] May 9. The house having resolved itself into a committee to consider of the Bill for vesting the 500l. Forfeitures in their majesties; the Mr. Speaker having resumed the chair, a motion was made [illegible], it passed in the negative, yeas 70, noes 96. After which, the chairman of the said committee having not been directed to make any Report, the house again resolved into a committee, and the report was referred till the next day.

May 10. The question being put for making the said report, it passed in the affirmative, yeas 176, noes 93. The chairman then made the report accordingly, and a Clause was admitted, to be part of the Bill, 'for the Money to be paid into the Exchequer, and that a distinct account be kept thereof.' The question was then put, that the Bill with the Amendments be ingrossed, it passed in the affirmative, yeas 152, noes 106.—On the 14th, a motion being made for recommitting the said Bill, it passed in the negative: yeas 92; noes 111. On the 15th the Bill was read the third time, and an engrossed Proviso was tendered to be added, as a rider, That the Bill shall not charge any person, who accepted any office, or commission, and executed the same without qualifying himself, if the said person do qualify himself as is required, before the 1st of August next: It passed in the negative.—And the question being put, that the said Proviso be read a second time, it passed in the negative.

Another engrossed Clause was likewise offered, That no person shall incur the Penalty, who shall at the next quarter-sessions, take the Oaths on the Statute for 'Abrogating the Oaths of Supremacy and Allegiance, and appointing other Oaths:' and make the Declaration in the Statute 25 Car. 2. And the question being put, That the said Clause be read, it passed in the negative.

Another engrossed Clause was offered as a rider, 'That, whereas a Judgment was given in Easter or Trinity Term 1686, in a Suit between Godden and Hales, contrary to law and [illegible] it is enacted, That every Judge [illegible] who then sat [illegible] and also every [illegible] and [illegible], who was concerned any way, [illegible] giving the said judgment, or for dispensing with the statute, shall forfeit l. 'And, That every person, who passed any Patent, dispensing with the same, shall be for ever disabled from holding any employment or trust; and that every judge or baron, that were so in the said Easter or Trinity term, who shall not appear before the commissioners for that purpose appointed, and prove that he did deliver his [illegible] against the said Judgment, [illegible] shall be [illegible], and to incur the said forfeitures and disabilities.'

Resolved, That the blank be filled up with 500l. And an Amendment was then proposed to be made in the said Clause, by leaving out the part relating to the disabilities, which upon the question, was agreed to by the house.

The question being then put, That the Clause be read a third time, it passed in the negative.—Another engrossed Clause was offered as a rider, That this Act shall not extend to charge any person, who after Oct. 8, and before Feb. 13, 1688, accepted any office, or commission, and executed the same without qualifying himself: if such person do qualify himself before Aug. 1, next; which proviso was then read, and the question being put, that it be read the third time, it passed in the affirmative, yeas 160, noes 130.

Resolved, That the Proviso be made part of the bill. The question being then put, That the bill do pass, it was resolved in the affirmative; yeas 137, noes 91.*

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* "In the end of the reign of James, many of the Dissenters and other [illegible] accepted of [illegible], and [illegible] conformed to the stretch of prerogative; and some of them had accepted places [illegible] they were [illegible] [illegible] It appears to have been [illegible] that the Tories now brought in a Bill, for vesting in his majesty all Forfeitures incurred by [illegible] and [illegible] none of the forfeitures might be mitigated of

[illegible] thing; it affects me very much. They [illegible] scarce good friends to this monarchy, that [illegible] make a difference betwixt the king and his people, to [illegible] the bargain. By an act of Charles 2, the king has power to place and displace [illegible] and the king [illegible] king; and it is reported, that the lords have sent for a List of the lieutenancy, to know whether [illegible] consequence, whatever it be, must tend to make a difference betwixt the houses. As for one of the gentlemen (Clayton) he is a party in the lieutenancy, and as for the attorney-general (Treby) the lords have a claim to call him to their house to sit there. Is not this a sort of [illegible] appeals, and writs of error, they have judicature, but not on the commons: they are no *censoris morum*; and to send a *si quis*, whether the king should give men such authority! Examine this, whether the lords do it judicially [illegible]

Sir *Edw. Seymour*. Some present answer you must give, and it is moved 'to send it by [illegible]' [illegible] lords. In all the enquiry I can make, I find no instance of such a message, till the last parliament, that Mr. Hampden, junior, [illegible] whatever it is, I would have the right on your side. [illegible] the lords [illegible] of his place there; it must be the king that [illegible] any of your members. I would send the lords [illegible] you can search Books; it is the best answer that can be given.

Sir *Tho. Lee*. It is said, 'The debate may be long, and the messengers [illegible] about the Lieutenancy, that you will not take the sole advice of the king upon you; and, in [illegible] for the cause, and not for the persons;' the [illegible] In the last parliament instead of giving leave to your members to go to the lords, to give [illegible] that you are prosecutors, though they are the judges. I am sorry you have shown the lords [illegible] have a right to begin an Act of Attainder, as well as you. If the lords should proceed upon [illegible] the accusers; and the best answer, for the present, is, by messengers of your own.

[illegible] and therefore it is no original cause; but that the lords may second you in their Thanks, if [illegible] suppose they shall shock you, [illegible] you ought to do. I would send Answer by [illegible]

Resolved, "That the messengers be called [illegible]

Debate [illegible] Peace of the Nation. [illegible] gone back upon our dial; only I desire we [illegible] can sit down with all the ill administration of [illegible]

[illegible] remitted, a Clause was added, ordaining them to be paid into the Exchequer, and accounted for [illegible] place, must have affected their own friends; but the Tories were willing to suffer in their [illegible] the same level with their own. After having [illegible] read in the house of lords, where some amendments were proposed; but the adjournment of [illegible] consider; and it is worth your thoughts to consider to provide for the safety of the Nation in his absence, whether by the Militia, or otherwise. My motion is, 'To resolve the house into a committee of the whole house, [illegible] to preserve the Peace of the Nation [illegible].'

Lord *Castleton.* I am seldom of that gentleman's opinion, but I am now, and I second his motion.

Col. *Granville.* I have heard the motion, and I think it so necessary, that I would not let it pass over. I am ready to embrace any remedy that may be offered. If we are in danger, now the king is here, and an army to defend us, we cannot be safe when he is out of England; therefore I second the motion.

Sir *Christ. Musgrave.* The motion is of great importance; and that of the Militia, moved by Clarges, is but [illegible] safety; therefore I concur with Seymour's motion.

Sir *Tho. Clarges.* I confess I do not understand [illegible] Papists. The persons most likely to endanger us are the Papists, [illegible] houses, and are in confederacies. I would not lose the fruits of that Bill, so much for your safety, but I would speedily proceed upon it.

Sir *John Guise.* This is too weighty a matter to speak to it off-hand. It is worth your time to consider, that a great part of the business of parliament is [illegible] not requisite now; and I move 'to go into a grand committee to-morrow.'

Sir *Tho. Lee.* The question is of great weight, and it is late in the day. I cannot say, (as lord Castleton) 'That I am seldom of Seymour's opinion;' but I must say, I have been more of late than formerly. I should be glad if he would propose something [illegible] upon. I should be glad to have a little light what you have to do: but it falls oddly to have this motion come on the same day you have agreed the Bill of Regency with the lords,* now to put it in the people's heads, that they are in danger. It may [illegible] publish your Votes now, at a time when you have passed a bill to be secure in a Regency, and [illegible]

Sir *Edm. Jennings.* I suppose there is something *latet in herbis* in this motion. I think it is time to adjourn, and go to dinner.

Col. *Austen.* I wonder to hear gentlemen speak of 'the security of the Nation in the king's absence,' [illegible] to dinner.' I will trouble you with nothing more than what has been said. I reckon there is to be a management by council, and it is no disparagement. I think, if the motion be not agreed to, it will look ill abroad.

Sir *Henry Goodrick.* Perhaps this motion may tend to take [illegible] hands, and putting it into others. It is both the right of the crown, and a necessity of putting the government in the queen, a princess of great judgment; and the king [illegible] particular in his motion; if not, you may proceed upon general Heads of a bill for the Militia; but if he will make no farther explanation of himself, I would adjourn.

[illegible] We are all contented [illegible] the queen [illegible] have the administration of the government, in the king's absence; and we may consider how to make it easy to the queen. She is a wise woman, but she is a woman. The king will leave her some of his own council [illegible] king James's council, [illegible] council. What concerns all people ought to be handled by all, and I move as Seymour, &c.

Col. *Birch.* I am not fit to speak to this business: I cannot dance about it as others [illegible]. Nobody can doubt but the queen [illegible] a woman still, and must have council. This is the great council. What will the [illegible] say? You have passed a Bill of Regency; but [illegible] making the queen [illegible] absence [illegible] I know no [illegible] to have the kingdom managed for its safety be the meaning of it, I am for the question.

Sir *John Lowther.* I do not well comprehend the meaning of this Vote. I wish it may be explained, that we might. No motions [illegible] made without the [illegible] before you, and the meaning of it. I would not willingly anticipate any thing. If, by the [illegible] the people, we have [illegible] your own weakness [illegible] explanation, I second the [illegible]

Sir *John Thompson.* I am for the motion, and I wish it had been sooner, and for a reason not touched: in the last parliament, when we were upon the [illegible] we were prorogued: we are doing what we [illegible] After we have [illegible] the same place, I am for the motion for a grand committee to-morrow.

Sir *Edw. Seymour.* I had not gone on, but [illegible] consult their own safety! I should be glad to [illegible] us a general proposition. If the motion be not [illegible]

Sir *Wm. L. Gower.* I cannot imagine what [illegible] grand committee. We have [illegible]

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* This Bill had been returned by the lords just before.

[illegible] clude it difficult to keep us in peace in the [illegible]

Resolved, "That this house will, to-morrow, resolve itself into a committee of the whole [illegible] the absence of the king."

May 14. The house went into a grand com[illegible] absence.

Mr. *Holt.* I hope this day will not prove [illegible] and, I fear, jealousies. The papists say, 'We [illegible] the queen in, in the administration, &c. It is [illegible] fide in. I hear that one Shales is come over I would have him come up to give you account of the state of Ireland: they say, he is at Chester, and I would farther proceed to setting the Militia, and what else is requisite.

[illegible] veries made of conspiracies, but never bring [illegible]

Sir *Wm. L. Gower.* You have been moved [illegible] the government? I hope you will think of something else.

Sir *John Guise.* 'The Order [illegible] sider how to secure the Nation, &c.' I know [illegible] not that she wants advice, but is it not usual [illegible] I hope other gentlemen will do the same.

[illegible] thing weighs upon me extremely; there is a [illegible] much to their opinion. I wish the public good may be the common standard; when I [illegible] &c. I have reason to believe a general con[illegible] again; every man will make friends of the unrighteous mammon, and favour them. I hope [illegible]

Let us not enter into any thing now to breed [illegible] cannot become prolific, but by a separation amongst ourselves. I would consider such as [illegible]

Sir *Wm. Whitlock.* What I heard from [illegible] be secured, seems to me to be a retrenching the Habeas Corpus Act. If an angel came [illegible] ment. I would not now have a way to break in upon that law; for this very reason, I would [illegible] that law.

Mr. *Coningsby.* For some time I would repeal that law; it does not so much save you, [illegible] government.

Sir *Joseph Tredenham.* Our circumstances are very ill, if inconsistent with that law.

Sir *Henry Goodrick.* I appeal, how irregularly those gentlemen speak to a thing never [illegible] his cassock; but I offered only, whether it was [illegible] t fit, some way or other, to save the govern[illegible] onspire its ruin are prevented from [illegible]

Sir *John Guise.* I desire that nothing may [illegible] part of the Bill of Rights; but a little severity [illegible] these men will be ineffectual. There is a [illegible]

Sir *Edw. Seymour.* I consider the motion that brought you into this committee to pre[illegible] in the Bill of Regency, the same dissatis[illegible] medy. I expected to have heard another de[illegible] act, the best security of the nation, I would not meddle with. I thought it had been the best [illegible] thought we could not be safe in the continu[illegible] the government. Whether it was their design, their ignorance, or misfortune, I would have [illegible] th vigour; if we have those Miscarriages [illegible] his absence. I believe no man will jus[illegible] miscarriages. Now, reflect how our [illegible] hands. If a man be sick, and can[illegible] ot apply it, he is in a worse condition. I [illegible]

[illegible]

[illegible] from counsellors, I believe: I know not who [illegible] have no accusation against any of them. I have been at cooking this dish many a time. To [illegible] some would be dissatisfied if some of us [illegible] the [illegible]

Mr. *Foley.* I have had experience how hard [illegible] council were ashamed of the Advice they gave; [illegible] I propose, that, for the future, all orders passed by the Privy-Council may be fairly entered, [illegible] we may know, for the time to come, who gives Advice.

Sir *John Guise.* I do not doubt of Sedley's 'eating well, and cooking;' but I know no meat you have before you: I think this is not a jesting matter. I am of opinion, two ways must secure the peace of the nation; by [illegible] be employed, to distaste the people. I know not [illegible] who are present, and who the rest; it is an [illegible] been formerly before you, if in former reigns, or this, they have given distaste. Let names [illegible] pray let us go [illegible]

Sir *John Thompson.* When I hear the several discourses to-day of our condition, and the remedies, I would not leave them upon your [illegible] you the mischief in time past will put you out [illegible] to France once, may do it twice. I desire to [illegible] I would form it into a motion, viz. 'That all [illegible]

Mr. *Hutchinson.* I would have the Journals searched. I think those under Impeachments, in former parliaments, not fit to be [illegible]

Col. *Granville.* I hope we shall have [illegible] be the easier remedied. I have heard persons described. I am for the head of the Privy-Council;* a great man, a bold man, and an [illegible] 2's time. I have heard of his merit in the Revolution. A private life would have better [illegible] of England! I would pass some censure [illegible] greater than he is: and I will be ready to do [illegible] so to those [illegible] England.

Sir *John* [illegible] I [illegible] have had so profound a silence, if the danger [illegible] as lord Carmarthen. For an Impeachment against him, and he never tried, if that be a reason [illegible] cil, it may be a reason why he should come in. I think those were great crimes in the last reigns, of surrendering Charters, and those were [illegible] lay all things asleep; but if you will look into [illegible] 167[illegible], but 1[illegible], and the rest.

Sir *John Guise.* Mention has been made of other people in other parliaments, &c. that have been well spoken of in this house; but I wonder that so knowing a person speaks of jus[illegible] this case you have one mentioned; you may de[illegible] against him, [illegible] thing to plead but the pardon; a man at that time questioned for French money*; and 'tis [illegible] went off. We had such reasons as I can never forget, why a Pardon cannot be pleaded to an Impeachment. [illegible] President [illegible] cil, and I could wish Lowther would tell us the [illegible] mon safety, I confess, I cannot have confidence [illegible]

Mr. *Shadrach Vincent.* Since I see it is now the fashion to name privy counsellors, I will name another, who I desire may be turned out.

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* "The earl of Danby had been made Lord President, [illegible] of Carmarthen. [illegible] under Charles 2." Boyer, [illegible] "He is said to have pushed for the Treasurer's staff, a post he had formerly enjoyed, [illegible]"

* When earl of Danby. See vol. iv. p. 1060, 1067.

[illegible]

Sir *W. L. Gower.* Till this matter be determined, I know not how you can enquire. If you [illegible] Bath, and lord Carmarthen, I will say nothing; [illegible] laughing matter. I say, it is levying war, and no better. There is no law for Auxiliaries, but [illegible] lieutenant can raise auxiliaries; he is indemni- [illegible] within the law of levying war. I move, That a committee may look into this matter. I cannot answer my duty to the king, nor my trust in this place, if you enquire not into it.

Sir *Edw. Seymour.* I am under no good circumstances of making speeches. I wonder that, [illegible] should lead you out of order. I wonder this should be concealed all this while: I have not [illegible] in question; it were so, if we took any thing [illegible] act it again. It is a question of common pru- [illegible] then: I am sure he will neither support the church, nor the state.

Sir *Charles Sedley.* You are upon two mo- [illegible] cil besides the privy council. I have received [illegible] favour from him; but pray keep us to some order, and put a question.

[illegible] all the rest of the debate is a deviation from the question. I am sorry to hear another noble lord named. I was one at first for not impeach- [illegible] his honour, over any of this accusation: 'Not fit to serve the church nor state!' I think it the [illegible] said by another, 'That the marquis of Car- [illegible] I require it, in honour and justice, whether, upon a general accusation, we should desire the [illegible]

Col. *Granville.* Before I make out what lord Carmarthen has done, I hope Goodrick [illegible] upon a man of honour to accuse his friend. [illegible] against lord Danby, when he was impeached? [illegible] a trick. As to his Pardon, it was by the advice of counsel, that he pleaded it. I believe [illegible] this house, it is fit they should be removed.

Mr. *Dolben.* The present subject of the [illegible] all the reflections upon him, I think him as well [illegible] council-board. It is said, 'An Impeachment [illegible] on that impeachment. I will not say that every thing has been well done; he is a fallible man; but as ill things have been done before [illegible] He was a great and main instrument in de- [illegible] a relation in principles, as well as alliance, be- [illegible] he be laid aside and removed, I fear a man less [illegible]

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* "In the new Charters that had been [illegible] ed to the corporation men, all those being left [illegible] boroughs, they could not find a number of men [illegible] as known in the borough, were named. This was practised in the most avowed manner in Cornwall, by the earl of Bath, who, to secure [illegible] held all king Charles's time, put the officers of [illegible] they were for the most part so chosen, that the [illegible]

the University of Southampton

[illegible] remove a certain enemy to king James, and a [illegible] peachment, there was a perpetual enmity be- [illegible] done, I think that argument of small weight, [illegible] counsel swayed much; if so, it is a sign the king [illegible] him at York, I never knew him, and his pre- [illegible]

Mr. Ettrick. I am sorry that, without [illegible] be a greater punishment to a man of honour, [illegible] in serving the nation; no innocent blood was [illegible] prince of Orange, 'That he would be for him [illegible] these two persons should be named. I dare [illegible]

Resolved, 'That a committee be appointed [illegible] sons in arms, in several counties in the kingdom, [illegible]

"My lords and gentlemen: I have had such [illegible] longer delay my going into Ireland; and therefore I think it necessary to have an adjourn- [illegible] be but to a short day, yet, unless some great [illegible] blessing of God, we then shall have a happy meeting. In the mean time, I recommend to you the discharge of your duties in your respec- [illegible] several stations."

The lord chief baron Atkins afterwards sig- [illegible]

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* [illegible] sage from the lords: "Mr. Speaker, his majesty [illegible] manded a Conference, in which they intended [illegible] quence." But a stop was put to this affair by [illegible]

† The king set out for Ireland the 4th of [illegible] time, England was threatened with a French [illegible] nel; and, on June 30, with a superiority of [illegible] rington, near Beachy in Sussex; but, though [illegible] Tower; and though he was afterwards acquitted by a court-martial, he was dismissed from his [illegible]

[illegible] from thence to the 12th; and from thence it [illegible]

[illegible] the house of lords, spoke as follows:

"My lords and gentlemen, Since I last met you, I have used my best endeavours to reduce Ireland into such a condition this year, as that it might be no longer a charge to England; and [illegible] such success, that I doubt not but I should [illegible] this time, had I been enabled to have gone into the field as soon as I should have done: [illegible] —I think myself obliged to take notice, how [illegible] with little pay, and with so much patience and [illegible] affectionate duty to my service, and a zeal for [illegible] it evident, how much I have preferred the satisfaction of my subjects before the most solid [illegible] Revenue for myself, but what I have readily [illegible] my return; and I have commanded them to [illegible] which they will see, that the real want of what [illegible] the not getting in due time, that for which [illegible] nor my pains, to do you all the good I could, so I doubt not, but if you will as cheerfully do [illegible] And, on the other hand, it is too plain, by [illegible] greater danger.—I hope therefore, there will [illegible] mons, the State of what will be necessary for [illegible] the Civil-List; the revenue being so engaged, that it must be wholly applied, after the 1st of Nov. next, to pay off the debts already charged upon it; and therefore a present consideration [illegible] which I must desire a sufficient and timely sup- [illegible]

And here I must take notice, with great satis- [illegible] and in their several counties, by giving their as- [illegible] good inclinations of my people, I have found, through all the countries where I have passed, [illegible] from thence, such demonstrations of their affections, that I have not the least doubt but I shall [illegible] liament.—I cannot conclude, without taking [illegible] Fleet, in the last summer's engagement against the French: and I think myself so much concerned to see it vindicated, that I cannot rest [illegible] as shall be found faulty upon their examination and trial; which was not practicable while the whole Fleet was abroad; but is now put into [illegible] be.—My lords and gentlemen; I look upon [illegible] pend upon the result of your counsels and determinations at this time; and the benefit will [illegible] insomuch that I hope you will agree with me in this conclusion, That whosoever goes about to obstruct or divert your application to these [illegible]

[illegible] it was Resolved, nem. con. That an humble [illegible] ment to the utmost of their power.

Resolved, nem. con. That an humble Ad- [illegible] of this house for the same: And the same [illegible]

Oct. 9. The earl of Ranelagh, pay-master of [illegible] by his majesty's order, prepared a List, or State [illegible] and that his majesty had declared, 'That no [illegible] should be used [illegible]' and that, besides [illegible] unto, the Army was in arrear 800,000*l.* And he delivered in the said State [illegible] lost, [illegible] men, and 1,010 [illegible] charge.

Then sir Thomas Lee, one of the commissioners of the Admiralty, presented the house an Estimate of the Navy for the year ensuing, [illegible] the Ordnance [illegible] the whole [illegible] 1,[illegible] 1s. 6*d.* [illegible]; both which Estimates were referred to the committee [illegible] Ordnance demanded for the ensuing year, one eighth part of the charge of the Navy, and [illegible] part of the charge of the Army.—A Supply was voted for the entire reduction of Ireland, [illegible] peace [illegible] kingdom, and carrying on a vigorous war against France.

Oct. 9, p. m. The house attended their majesties with their Addresses, to which the king replied, "All Addresses from the house of commons are agreeable to me, especially such as express such a respect and affection to my person as this does: I shall always pursue the good and interest of the nation."

The queen answered, "I thank you, gentlemen, for your Address, and I am very glad that I have done any thing to your satisfaction."

[illegible] The Estimate of the charge of the Navy [illegible] was [illegible].

Oct. 13. A Supply was voted to their majesties for maintaining of an Army of 69,636 men; and Oct. 14, the sum of 2,294,560*l.* was voted for that purpose.

Oct. 16. Towards raising the Supply, an Assessment of 137,641*l.* 18*s.* 2*d.* per month, [illegible] to be [illegible] on Land, and a Bill was ordered in accordingly.

The Earl of Torrington *, having desired to be heard before the house, touching the matter [illegible] heard, Nov. 12, and his lordship's relation of the Engagement was delivered in by Mr. Henry Herbert, Nov. 17.

Nov. 21. A Bill for doubling the Excise on Beer, Ale, [illegible]

The King's Speech to both Houses.] Nov. 25. [illegible] houses, [illegible] after passing several Bills, made the following Speech:

"My Lords and Gentlemen; I take this occasion [illegible] that I am extremely sensible of the zeal and [illegible] your proceedings [illegible] and of the [illegible] the house of commons have [illegible] the Navy and Army. And I do farther assure you, that I shall not be wanting, on my part, to see them exactly applied to those uses for which you intended them. At the same time, I must observe to you, that [illegible] perfecting such farther Supplies as are still necessary for the Navy and Army, [illegible] them only, but it is high time also, to put you in mind of making some provision for the expence of the Civil Government; which has no Funds for its support, since the Excise, which was designed for that service, and also the other branches of the Revenue, have been applied to other public uses; and, therefore, I earnestly recommend it to your speedy consideration."

Report concerning Impeachments.] [illegible] 30. A Report was made from the committee appointed to inspect Precedents, whether [illegible] ment to parliament," of several Precedents brought from the Tower. After the consideration of which Precedents, and others mentioned in the debate, [illegible] the [illegible] 1685, concerning Impeachments: and after long debate thereupon and several things moved, the question was put, Whether James earl of Salisbury and Henry earl of Peterborough * shall be now discharged from their bail? It was resolved in the affirmative.

Dec. [illegible]. The substance of his Speech [illegible] after passing several Bills, [illegible] them "to use all possible dispatch, as the pos[illegible]

Dec. 23. A Bill was passed for attainting persons in rebellion [illegible] and for applying their estates towards the charge of the war.

Dec. 24. A Sum not exceeding 570,000*l.* was voted [illegible] of 17 third rate Ships of 80 guns each, and 10 fourth rates of 60 guns each, as desired by his majesty in his last Speech.

The King's Speech at the close of the Session.] Jan. 5, 1690-1.—The king, impatient to be at the congress in Holland, came to the house of lords, and, after passing [illegible] were ready, made the following Speech:

"My lords and gentlemen; Having lately told you [illegible] go into Holland much about this time, I am [illegible] session, has been such that I am [illegible] to do it. And I return you my hearty thanks for the great dispatch you have made in finishing [illegible] on the War; which it shall be my care to see duly and particularly applied [illegible] which you have given them. And I do like-

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* See page [illegible], Note.

* The crime these lords were charged with was being [illegible] the Church of Rome.

[illegible] England or Ireland, till there be another op- [illegible] dient.—As I have reason to be very well satis- [illegible] at your return into your several countries. [illegible] for your preservation on the one hand, joined [illegible] to support me on the other, will, by the blessing [illegible]

[illegible] declared [illegible] did accordingly*.

[illegible] her majesty's pleasure adjourned to April 28, [illegible] by commission to June 30: from thence it was prorogued to August 3, from thence to October [illegible]

[illegible] PARLIAMENT.

[illegible] majesty, in the house of lords, made the fol- [illegible]

"My lords and gentlemen; I have appointed [illegible] time to consider of the best and most effectual [illegible] war against France this next year.—I am wil- [illegible] it hath pleased God to bless my arms in Ireland this summer, will not only be a great [illegible] by you as an earnest of future successes, which [illegible] blessing, procure us all. And, as I do not [illegible] of that Army, which hath been so deserving, [illegible] to a peaceable condition, so, I do assure you, [illegible]

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* "No session of parliament, in the course of this reign, discovered greater unanimity, [illegible] comes under our observation. The decided [illegible] endeavouring to regain power by concession [illegible] violent opposition to the measures of the court. A considerable proportion of offices were still left [illegible] their stock of merit, and strengthened their [illegible] berality with which they had subscribed to the public Supplies, while their antagonists, pre- [illegible] the funds. They enjoyed also a splendid tri- [illegible] in the city of London, notwithstanding the po- [illegible] mayor, the most honourable, and that of cham- [illegible]

* The king set out for Holland the next day, but [illegible] Kensington on the 9th, and seven days after set out again, and after a very dangerous voyage, landed on the 18th. Soon after a most numerous Congress of sovereign princes was held [illegible] and to oblige it to surrender April 1. The [illegible] to England April 13. In his absence a Plot had been discovered for restoring king James, [illegible] (Dr. Turner), Lord Preston, and his brother, and Penn the Quaker, for which Ashton, a ser- [illegible] April 30, but nothing material ensued in Flan- [illegible] for which services he had a pension, and the [illegible]

[illegible] in this.

[illegible] 'Burriers;' but pray let us be strong at sea; [illegible]

[illegible] not on ours.

[illegible]

[illegible] discharged.

[illegible] Bill

[illegible] just and lawful defence, at a man's trial. But [illegible]

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less than two witnesses [illegible] was devised, [illegible] that judge [illegible] Sir Walter Raleigh's case. You take not away his confession: The words of the Bill are, 'Unless he confesses in open court, &c.' All you do provide, is, that there shall be two witnesses; but if he confess in open court, and the court record the same, that alters the question. Standing mute is a confession of the fact, though the prisoner [illegible] lands, nor attaints his blood. But to throw this bill out, gentlemen must say, there is not one good thing in it. There is nothing made new in the bill, that makes an impunity for treason. That the copy of the indictment is to be delivered to the prisoner, in ten days, if he requires it; it is good in Middlesex, if he requires it, but not in country assizes, which cannot stay so long. If a man be to be tried for Treason, and the safety of the government be concerned, there may be a special commission of Oyer and Terminer; but it is said, 'That is to bring a farther charge upon the government;' but is there any comparison, that a man must lose his life for a few days stay? But a commission of Oyer and Terminer [illegible] the safety of the government. [illegible] of the time, for three years, cannot enervate the government; 'tis hardly possible to imagine, but that, in three years, the crime may be detected and prosecuted, or the person repent and be pardoned. Where then is the safety of the government concerned? 'Tis impossible he should not be detected in that time, or the thing repented of, and no ill effect of it. This may take away the venom that some persons may fall under after twenty years, and rake up a charge against a person.

Mr. Attorney *Treby*. Whatsoever is useful to the subject, and does not bring insecurity to the government, I am for. The lives of men are precious, but the lives of the king and queen are as precious, in which all our lives are bound up; and it deserves the highest consideration. This Bill was ushered in by reason of the hardship in the late times, in Trials for Treason; but I see little in the bill to obviate those miscarriages. The fault was not in the law, but in the men. When judges determine the law, in one case, one way, and in another case [illegible] the judges [illegible] themselves. In [illegible]'s case, they were of opinion, 'That he ought to be tried by freeholders.' In col. Sidney's Case, all the judges of England resolved, 'That the law was not so.' It [illegible] people is to preserve us out of the hands of such judges, which I hope the Bill of Rights does sufficiently provide for. The best way is to preserve their present majesties, who, I hope, will never permit such men to come into places of judicature. In the preamble to the Bill, it is, 'That the prosecution of treason may be justly tried;' it seems to me improper. In treason, [illegible] cil; but he cannot [illegible]

[illegible] himself, but not to help [illegible] by the slip of a word, or a letter, to evade trial. As for bring all words [illegible] it would make trials long; and all mens cases are alike, when [illegible]. To the objection of evidence, two witnesses, or confession of the party, &c. perhaps he may have confessed the treason before a hundred people. If this be the evidence, [illegible] the crown; he may brag of the treason before a thousand people, and [illegible] in London, when the term [illegible] days, [illegible] assizes, and the [illegible] not be tried, unless by a new commission; and [illegible] clipper or coiner. All criminal justice is best done *flagrante crimine*. If a man clip or coin, what will his repentance signify, in three years, when all the money is spoiled? This bill does [illegible] that it ought not to pass. If you resolve that [illegible], no part [illegible] brought in again this session. I would preserve [illegible] it as it is.—The Bill was then passed.

[illegible] Charge of the Navy, including the Ordnance, for the year 1692.

Nov. 1[illegible] The earl of Ranelagh, by [illegible]jesty's order, laid before the house a distribution of the Land-Forces, mentioned in the Estimate, viz. 10,916 men in England, 12,960 in Ireland, 2,038 in Scotland, and 960 in the West Indies. Total 26,874. Remain to be transported thereon [illegible]

Debate on the Supply.] The house went into a grand committee on the Supply.

Mr. *Foley*. Consider what our state is, besides Land-Tax, and Excise, &c. If you find yourself at a loss for Money, and must anticipate, you must double your land-tax, and at last pay half your revenue. I see not why we [illegible] men, and [illegible]. You are told, 'That it is to make an end of the war at once.' But suppose [illegible] beat us; and what hopes have we, if the Fleet be in no better hands?—I am of opinion, that a lesser number of men may serve for a diversion. I fear things are not rightly represented to the [illegible]. Suppose [illegible] keep [illegible] we find, that, when Money was asked by Edw. 3, to [illegible] what he had [illegible] France, the parliament answered, 'They were [illegible] was [illegible].'

Sir *John Guise*. Foley said, 'He could not [illegible] of the Fleet, and the Dutch one third. If the [illegible] strength is taken away; and how can they sup- [illegible] last year, much more now, as you can draw [illegible] When I voted a War against France, I was in earnest, and I have not abated since this war. I see not that any body wears less, spends less, [illegible] nourable, but safe, for you to continue your [illegible]

Sir *John Thompson.* I know not for others, what they have done; but I have found decay [illegible] think it is a sign we are poor. I would have [illegible] when we come again. I may make a conclu- [illegible] war. If we cannot force France to a battle, [illegible] you have been told, 'That it would support [illegible] ed us. Really I am afraid of a Standing Army. We have the skeleton, though not the body, of the forces. I look upon this war with France to be merely a colour. Pray put [illegible]

Sir *Christ. Musgrave.* You have several [illegible] moved. It is an irregular motion, 'To put it Head by Head.' If you vote, 'That 65,000 [illegible] therefore put the first general question 'for [illegible]

[illegible] the confederacy, 'That you might lay hold of this opportunity to keep them.' I was, and am, [illegible] is a greater strength to the confederates, than [illegible] continue the war, where he grows so great, by [illegible] if the French have all the seventeen provinces, [illegible] and for what belongs to us. But in the aid re- [illegible] prosecute the War *totis viribus* must be un- [illegible] were the sparable part of our estates, if we are [illegible] as much frugality as we can. I am sure that [illegible]

Sir *Robert Howard.* First we are told, 'We [illegible] ger of that under a king that has courage. In [illegible] against France, and nothing done. I hope to [illegible] at the head of it. If your Navy be strong, and [illegible] mistrust in him; and therefore I would leave it to the king's judgment, for the number for beyond sea; and you may, I hope, from hence [illegible]

Sir *Tho. Clarges.* That the king is a valiant [illegible] come up to the desires of such men, then we are told, 'We are against the king, and hinder [illegible] of that; we are all here to advise what is to be done; but this great sum demanded for those [illegible]

Mr. *Hampden.* I have heard reflections formerly, but if a gentleman speaks in commen- [illegible] man, who, in his speech, says nothing of it; but I do think a Standing Army is dangerous. But when it is said, 'The matter of the war with France is but a colour.' Do you think France [illegible] into his hands? I know, that in my country [illegible] but if I hear or see nothing against this number [illegible]

[illegible] upon France, I have heard of orders for 10,000 [illegible] England. 'A colour,' is the appearance of an argument, with really no force in it; a figure: [illegible]

Mr. Attorney *Treby.* This discourse is of so great a nature that all gentlemen engage in [illegible] take them Head by Head. I am against it. [illegible] by the lump, and I think there is the same rea- [illegible] beyond sea, and so the less need here. No [illegible] land. You come here with 'local wisdom,' as lord Bacon calls it. I speak a positive truth, when I say, the king is a great captain. But to clear some objections to the king's Speech. [illegible] fended without a Standing Army, and standing [illegible] may the Dutch, in conjunction with the French, [illegible] turb England; and that is the end you would be at. The question is then, Whether you can do this without such a force as this? I would answer one objection, viz. 'Not to give such a Supply as to conquer France.' I know [illegible] but I would not have France conquer us. If we cannot carry this on, we have nothing left but prayers and tears; but I hope we shall not come to [illegible] what we have promised the king: I hope we shall make it good. We have not, for a long time, had such a warlike prince as this. All this points to us what the king has said, 'If [illegible] we shall never have the same again.' I would not go through it by halves, but have such a force as the king may confide in. By doing it at one stroke, I hope we shall be secured from all this. It was said by a gentleman, 'That the French king knows what we do.' I believe it; I wish he did not know what we say. I do not doubt of what [illegible]

[illegible] is, Whether to proceed Head by Head? Then [illegible] them? You are told, 'That if you vote them [illegible] to keep our quota, and to go into France with a separate army. Possibly we may agree one Head, and not come up to the other. A gene[illegible] The Fleet to make a descent into France, is quite a different Head from the Army.

Sir *Thomas Clarges.* By the motion of a [illegible] away. You are told (by Capel) 'That queen [illegible] again. They that give a negative, are not [illegible] be limited to; proposing men differs little from money: It will look like a parliament of Paris; the king to propose, and they to verify it. Nothing of Scotland and Ireland is pro[illegible]

Resolved, "That it is the opinion of this committee, That an Army of 64,924 men is [illegible] and the carrying on a vigorous War against France." [illegible]

Nov. 25. The house went again into a grand committee on the Supply.

Sir *Tho. Clarges.* I find all Establishments, since the Change, are a third part more than [illegible] sufficient for 200,000 men. This war, I am afraid, will not be done in a year; therefore I [illegible]

Mr. [illegible] when you come to particular parts of the Army. [illegible] as may be of the Civil List to maintain the [illegible]

Sir *Tho. Clarges.* I know not the consequence of such an Address to the king in matter of money. I propose that the question may be 'That officers and soldiers may be included in this List.'

Sir *John Lowther.* The general-officers advised a greater number than the king has proposed, which are so many men, besides officers.

Sir *Tho. Clarges.* If 16,000 men in Ireland [illegible] They are now warlike, and at the battle of Aghrim they were not above 18,000 men. A gentleman that knows well, a commissioner of the revenue in Ireland, said, 'That [illegible] land.' I would not have 36,000 men named, and not above 20,000 paid. I hope we shall have effective men, and no collusion nor deceit. [illegible] considerable service done in Ireland.

Sir *John Lowther.* I hope the number of men [illegible] present, since the expence, I hope, will be but [illegible] side-wind, will not cut off your intention.

Sir *John Thompson.* I wonder what Lowther means by 'A side-wind;' if there be any, [illegible] 65,000 men; if the Officers came to more, it was not in the Vote; and I appeal to the [illegible]

[illegible] and officers not being included, your Vote stands.

Sir *Tho. Clarges.* You have resolved upon [illegible] fit to ravel into that. Whatever was intended [illegible] the house such an Army; and I am a little scandalized at this: I know not by what figure in rhetoric, 'Men' is without 'Officers.' You [illegible]

Sir *Henry Goodrick.* When Charles 2 de- [illegible] mand; if there be any precedents of Officers included, I am the most mistaken in the world.

Sir *Tho. Clarges.* He says, 'That in the year 1677, Charles 2's officers were not included in the number;' but then we had plain [illegible] there were a hundred in a company, besides officers; but now you come to lump. Then we had our debate free: Now you come to [illegible] meant by the word 'Army.' You had 38 or [illegible] men [illegible] in Ireland, and [illegible] at Aghrim battle. My question is a plain question, [illegible] crease to Officers.' [illegible] have more men than officers for them, I hope they will be reduced too.

Earl of *Ranelagh.* I stand up to inform you, [illegible] eleven Officers, not included in the number of men set down. They will come to 11,000, [illegible]

[illegible] This lord tells you of what Numbers are given in; perhaps you will [illegible] may command 100. When you include Officers, then you will provide Numbers and Men, and till you determine Numbers of [illegible] You did formerly resolve numbers in regiments, [illegible] When you are come off from this of Ireland, the rest will follow.

Sir *John Lowther.* If you cut off 11,000 from your Vote, for ought I know, the king [illegible] may be either beaten, or come off with a dishonourable peace.

[illegible] I was much startled when I heard of an abatement of 11,000 men. I never knew but three officers in a company. Drum- [illegible]

Sir *John Lowther.* If 11,000 men will be deducted, I am not for that question. If officers, drummers, and serjeants, be deducted, I [illegible]

Sir *Robert Rich.* I shall always stick to the true interest of the nation. To have a division for 2,000, I think not for the interest of the [illegible]

Sir *Christ. Musgrave.* I believe it not the [illegible] 64,000 men; and I hope no intention to in- [illegible] Officers, I believe the notion never entered [illegible] 64,000 men; for it is not to lessen them.

Resolved, "That it is the opinion of this [illegible]

consist of Officers and Soldiers, making up that [illegible]

Debate on the Accounts and Observations de- [illegible] *Men.*] Dec. 3. Sir *Tho. Clarges.* The lords have ordered the Commissioners of Accounts to send them their Accounts under their hands and seals. I would know, whether they should [illegible]

Mr. *Tho. Howard.* I heard my name read in this Book of Accounts, for 50 and 100*l.* to [illegible] pensions from king Charles paid all this while, and in king James's time; and application has been [illegible] to persons names; but it is in my name, and I do receive it. I am sorry it has gone so far. I [illegible] the protection [illegible] government, but nothing to the bounty of it.

Sir *John Thompson.* I stand amazed that, in [illegible] should be in such darkness. I hope not to live to that [illegible] Grievances, I hope, if this house cannot take them away, it will not establish them. I be- [illegible] The Accounts are amazing things. We were told last session, 'Country gentlemen understood not Accounts,' and now, it seems, the Commis[illegible] Secret Service, [illegible] fit for their places. It is our misfortune, the per- [illegible] Account. I would know, whether the secre- [illegible] much given to Members. I am sorry money [illegible] will bring in new judgments. I am afraid some [illegible] left. I would have this house begin with themselves. I do declare, I never had one penny [illegible]

[illegible] Treasury. I shall be much easier out of it, and I hope I shall leave it. I remember an [illegible] As for the Accounts, I dare be bold to say, [illegible] portance omitted, and nothing in them, but [illegible] Account of 18 millions, to raise a dust to blind [illegible] not much above ten. If you reckon the law- [illegible] that is a double reckoning; but to say 18 mil- [illegible] Not having yet had the copy of the Accounts, I cannot say much to it. As for King James's debts upon the Revolution of the government, the Receivers did very wisely to pay themselves. The next thing objected to is, in the Accounts of Tallies struck, before money came in. It was for no more than 200,000l. borrowed of the City at a time, and that at the beginning of the year, when Sea and Land are at the greatest charges. People will not go on, if neither money nor credit. Some services press more than others, as Navy Stores, wear and tear. If you strike not tallies of credit before hand, it will cost at the interest of the year 2 or 300,000l. It had been worth the consideration of the Commissioners, to have consulted the several Offices of the Ordnance. I did hope this as well worthy of observation as the rest. For Secret Service, in the beginning of the reign, there was a great deal. Though remote from the Heads, you will find for the future no charges [illegible] upon the proper establishment. As for Money to Members, you see all before you, and is there any thing like corrupting of votes? I believe, if all that sum were tendered to some persons, they would not do so base a thing; and if I would reflect upon the government, I should say it is a great fault in allowing so little Money for Secret Service. Cromwell gave more at a time for Secret Service, in the court of France, than all this comes to. For the plate of ambassadors to be returned, &c. there is now a Tryal depending with lord Castlemaine, and all diligence possible used in it. As to lord [illegible] in all ages, and at all times, Accounts have passed by privy-seal: and for the good of the subject it should be so. Shall Accounts be lost, and not have a discharge by privy seal? But if it be to the prejudice of the crown, or the subject, then it is a failure. For Ireland, the musters were taken in winter, when the Army was at the weakest, and the charge of [illegible] the musters was to reduce the charge of the army, not of [illegible] occurred to me, as I heard the observations read; but there are some things that I wonder have escaped their observation, when Accounts have been sent three or four times back, and not perfected, and this is one of the crying shames of the government. The next thing is, how your Money is spent in the [illegible] the Navy? The king took his own dividend in the East India Company, [illegible] pay the [illegible] I should be glad [illegible] be employed there!

Sir *John Thompson.* I confess I am not so fit for employment as that gentleman; but should have been faithful, as I believe of him. I am not so angry as he, but, I observe, touch a place that is sore, and there will be some extraordinary motion. I cannot turn my words like a courtier. I wonder that gentleman should [illegible] the last session, when the house was satisfied with me. I was forced by king James [illegible] patent of barrister; so that I had no such intimacy with the government then. I never did accept of Bribes for my Vote, nor ever was offered any. I did then clear myself, and I could wish that gentleman would do so too.

Sir *Tho. Clarges.* Lowther has [illegible] arraigned the Commissioners, and I did expect you would have called him to the bar, to have answered his Accusation. He tells you, 'The Commissioners have omitted several material things;' but the commissioners could not proceed farther, not having the particular Accounts of the Navy, Army, Ireland, or the Ordnance, before them. The commissioners [illegible] to know all the cash from the [illegible] Revolution. [illegible] take all the Heads, as he has done; but what he says is an accusation. We cannot be wiser than God has made us, nor, I believe, that gentleman neither. Pray read the Observations.

Sir *Robert Rich.* I thought, by Lowther's first speech, he had been a good accomptant, and he seems to be none at all. [illegible] he never read the Accounts. I [illegible] the Accounts [illegible] should have been [illegible] his company, if his weighty affairs would have permitted [illegible]. But [illegible] to arraign the commissioners of casting a mist before the eyes [illegible] such language. He [illegible] before; he durst not say otherwise here. [Mr. Hampden took him down to order, and he proceeded not.]—I will not repeat the expression again, but nothing can be harder expressed. To the Observations, he said, 'There might have been more Observations.' I could have [illegible]

Sir *John Lowther.* I know not that it is a reflection for an omission to be taken notice of. I have [illegible] man. If a man's honour must not be vindicated here, I must take occasion to do it in another place.

Sir *Christ. Musgrave.* I would know why these Accounts were not brought to the Commissioners in due time? The last session, provisions for Londonderry, and ships, lay here, ready laden, after it was relieved.

Sir *Tho. Clarges.* We sent out [illegible] precepts the last time; the last time given was [illegible]

Sir *Stephen Fox.* I only desire to appeal to the commissioners, whether I did not appear according to their summons? They gave me [illegible]

Sir *Tho. Clarges.* If they did not obey our [illegible]

[illegible]

Sir *Christ. Musgrave.* If accomptants make [illegible] are not made up till 1689? I think it reasonable that, in a year and a half, they be brought to [illegible]

Sir *Tho. Clarges.* When we called for the Account of the King's Houshold, we found some [illegible] years. I know not a greater business, or more [illegible] is very exact in their method; but, if neglected, I know not where the fault lies.

Sir *Benjamin Newland.* We have set down, [illegible] tions, it was not fit; but we have delivered it [illegible]

Sir *Christ. Musgrave.* [illegible] 9 per cent. Your funds will miscarry, when [illegible] tax, it was a certain fund, and needed not to increase interest; at this rate, your interest [illegible]

Mr. [illegible] this is a breach of your act of parliament. I [illegible] the lords of the treasury; they objected against [illegible] pay the Bankers Debt. I hope we shall not pass this over without censure.

Sir *Tho. Littleton.* I take it, that this Fund of Credit was to take up money before it came [illegible]

Sir *Stephen Fox.* We have ever struck tallies of anticipation; it is impossible, as this government stands, to have done otherwise; the necessity is unavoidable, and we had not done our duties to the nation if we had done otherwise.

Sir *Christ. Musgrave.* Your present consideration is, Whether tallies have not been [illegible] was actually received. Our present question [illegible] fore the money was actually borrowed? Low[illegible] might have had it at the interest allowed?

[illegible]

Sir *Wm. Strickland.* I question not, but [illegible]

and I hope you will make them refund. I have [illegible] for their patents; but, as for other officers, it is [illegible] as I hear, likewise to pay for their charges in executing that patent.

[illegible] have made, I find no such covenant made.

[illegible] profit of their patent.

[illegible] Head. He has 3,000*l.* a year salary; but I [illegible] time immemorial. I remember, Mr. Vaughan, [illegible] hung up in a Table, or settled by act of parliament [illegible] know what Fees. They said, 'They could not, upon oath, say 'Legal Fees,' but what had been taken formerly by other officers.' A poor captain, of 6*s.* 8*d.* a day, pays 6 or 7*l.* for his com[illegible] ject matter, before you, then you are ready for [illegible]

Mr. *Foley.* The Receiver General of the [illegible] James's [illegible] troller of the Customs had 6 or 700*l.* per ann. [illegible] maintain a coach and six horses.

Sir *W. Strickland.* When we grow poor, I [illegible] duced to be as before. I would have the Com[illegible]

Mr. *Foley.* As for the Officers Fee-farm of the [illegible]

Debate on Money for Secret Service to Parliament-men.] Sir *Jn. Lowther.* I think the words [illegible] say, this is not a matter at all that comes into [illegible]

Mr. *Foley.* 'Tis said, by Lowther, 'That he thought not this fit for our enquiry.' Mr. Jeph[illegible]

Mr. Jephson's death, we had his clerk, Mr. Squib, before us, who said, 'It was the king's pleasure, not to have Accompts of sums of money, and it was a great deal for the king's service not to have this named.' We have it, we received it, and lay it before you.

Sir *Charles Sedley*. This is new to our ears, and foreign to story. We give great sums, but must not receive. For service for the state, 'tis allowable; but for Secret Service, no parliament man ought to be ashamed. I am an old parliament man, but a young speaker. One in my company, when I was young, would needs give the fiddlers two or three pieces, though he loved music as little as I; but he went shares with the fiddlers. If the service can be distinguished betwixt the capacity of a parliament man, and Secret Service, let us know it. As it appears to me, it seems a reflection upon every member; therefore I would enquire into it.

Sir *W. Strickland*. For Secret Service of state, was formerly, in that parliament called 'The Pensioner Parliament.' If this was given for public service, let it be owned. This may be the reason we are so slow. Let every gentleman lay his hand upon his heart, and declare and vote, 'That whoever has received Money is an enemy to the king and kingdom, and the liberties of the people.'

Mr. *Goodwin Wharton*. If this comes to any great or considerable sum, as I hope it will not, it may endanger the government; as in king Charles II's time, when the bribes were brought before the house.* I hope you will do some such thing now.

Lord *Castleton*. The herd will not suffer would [illegible] to herd with them [illegible] set of men that murdered king Charles, and threw out king James; and God bless king William and queen Mary!

Mr. Comptroller *Wharton*. I stand not up to oppose any motion; for indeed you have not any [illegible] But, sir, I hear a gentleman's name (Mr. Jephson) who is not alive to answer for himself, I had a friendship for him, and I think he did deserve it, and would not have had a hand in any such thing. Something he told me, after he had been with the Commissioners of Accounts, and positively he affirmed, 'That no sum of money was paid, but what was very [illegible].' And the nature of the thing he told me too. Sums were given to two members, for discoveries; the members never touched it themselves, but handed it to two persons who made the discovery.

Sir *Tho. Clarges*. We did send to Mr. Jephson, who did open himself very reasonably in [illegible] the receipt was not full, and desired it to be explained; and he had it in the words he desired: he then did tell us, as Mr. Wharton has said, 'That it was for a service of such a nature, that he thought it of no service to the Commissioners to have it known; but if they insisted upon it, they should have it,' but a week after he died.

Sir *Robert Rich*. When Mr. Jephson was pressed, at our Board, he was asked, 'What he [illegible]?' he said, 'Some members of both houses were concerned; in the one and other house four.' He said positively, 'It was not for their own use, but upon discoveries to others, and positively not to themselves.'*

Ordered, "That the Commissioners appointed for taking the public Accompts do lay before this house, 1. A List of all such persons who have Salaries, and have made the king pay the Charge of passing their Patents, and passing their Accompts, as also the Taxes upon their offices. 2. A List of those that have great Salaries, and have upon slight pretences, got them increased, and who have had extraordinary Bills of [illegible] charges [illegible]. 3. A List of the Salaries which were granted upon special reasons; and which are still continued, though the reasons are ceased. 4. A List of the excessive Fees that are exacted and taken by the Officers that have great Salaries allowed them for executing their places; and for which no legal precedent appears to justify the same."

Debate on Fuller's Information.] Dec. 9. Mr. Fuller,† upon his request, was brought to the bar of the house of commons to make his discovery, &c.; who gave an Account of his intrigue with the Lords in the Tower, prisoners; viz. 'That they sent Letters and Messages by him to the late queen, and the late king.' He then proceeded as follows:—"One of the letters from the earl of Aylesbury I opened, which he carried to the queen at his lodging, to desire 'That the French would send 30,000 men, and he engaged to rise by June next, and they should be ready to receive them.' This was in February last. Two Letters were sent to the late queen, in a bone of mutton, one from the earl of Ailesbury. Several [illegible] did promise such letters as to cause the people to rebel. The earl of Litchfield intreated, 'That the landing might be in June or July, and he would be ready, when the French [illegible] ed, to join several thousands.' I did open the [illegible] to king James and the queen; and, 'Thus be [illegible] earls of Peterborough, Salisbury, and others.) [illegible] vanced by Father Emmanuel, (who was still in England) and he valued not a warrant to take [illegible] gave me a letter to the earls of Castlemaine [illegible] assured. There was a commission to six lords [illegible] was in person in England. Bills of Exchange were sent by me. The marquis of Halifax was the first in the said commission. There were 23,000 listed, to join with the French. I must humbly crave the protection of the house, till I bring a gentleman to confirm what I have [illegible] but the earl of Portland would not meet the gentlemen that should discover. The arch- [illegible] his secretary wrote to him, 'That it was not in [illegible] Flanders, who will confirm what I have said."

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* See Vol. [illegible] p. 1142.

* It was whispered, 'That part of this money (30,000l.) was for the purchase of Nottingham house, at Kensington.' Grey.

† "The amusement given to both houses by this William Fuller was the occasion of a check to the Supplies. The Conspiracy of the Papists in Lancashire to raise a Rebellion in the kingdom, in order to introduce king James, was attested by several witnesses, whom the Jacobites were so dexterous as to take off, either by fair, or violent means. But, nevertheless, these several circumstances being confirmed by Papers taken with lord Preston, and several other circumstances, which amounted to an actual demonstration, some persons of note were se[illegible] [illegible] the king's [illegible]

Mr. *Chadwick.* Fuller has named lord Portland, and my lord of Canterbury; I presume [illegible] king has been acquainted with all he has laid before you. I went often to him, to bring him [illegible] time. I thought fit to tell you this, and I am afraid you will find him a very shuffling fellow.

Sir *John Guise.* I have heard a scandalous report of this fellow. Mr. Crone was con- [illegible]

Fuller came in again, and said—"I saw an [illegible] folk, Newcastle, and Beaufort; the earls of [illegible] Ely; the lords Grey, Widdrington, Forbes, and Teynham; William Penn, and Berkshire Howard: there were near forty more, but I could not take all their names, because colonel [illegible] the queen. The queen said, 'There were se- [illegible] queen told me, 'If any did trouble me, to apply to lord Godolphin; and that lord Fever- [illegible]

Sir *Charles Sedley.* This young man has [illegible] Heaven, I should not believe him, he has ne- [illegible] sengers was concerned in taking Fuller into [illegible] him, and lord Portland put it off; and Mr. Chadwick said, 'He fancied lord Portland.'

Mr. *Chadwick.* I went to Fuller, and he [illegible] but no Fuller, nor any from him. I went [illegible] ton, and then the fire was there; but he failed [illegible]

Fuller. "I appointed the night before the [illegible] ton; but he said, 'All was there in a hurry, and he would appoint another place.' I think [illegible] hand: I cannot say positively. I would have gone as a prisoner, in custody of twenty mes- [illegible] out of France 100 more, when I went away. I had 100*l.* more from lord Nottingham, as soon as lord Preston's Trial was over.* I have [illegible] which I have not received 500*l.* I lost my [illegible] made me a page, and gave me 200 pistoles, [illegible] charges, and for that reason I could not go [illegible] in four or five days. I told Mr. Chadwick, [illegible] 'That the gentleman was come to town.' I think I did give Mr. Chadwick the letter from the gentleman, which said that in a day or two he would come to town. These gentlemen that I am to produce will bring [illegible] trayed by some of his council: the best way is [illegible] will take care to write to them, and as the house think convenient, I will either send a [illegible] pleases: I believe I have a servant whom I

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* [illegible] wards pardoned.

[illegible] and as for the other, I have not discovered him, because I had not an opportunity. I desire I [illegible] and that I may have a sum of money to enable [illegible]

Sir *John Lowther.* You would not have sent [illegible] sibly it had been as fit for a secretary of state [illegible] convicted a man for his life (Mr. Crone) he [illegible] king's councils, whosoever they are, they deserve to answer it. If they be too great to be meddled with, I have done little in getting on horseback to bring in king William. I be[illegible] Flanders. Perhaps he is a youth of levity or debauchery, but he offered a fair thing, to bring him. If he be your hostage, there is no danger.

[illegible] with hands and seal, I know not how he can [illegible]

[illegible] nour of the house is concerned in it. Time will try best whether the thing be true or false. I will say nothing to his integrity, but I find he [illegible] but in which he is most sincere, I know not. He tells you, 'That Papers, &c. are at his lodgings.' I would secure his Papers, and [illegible]

[illegible] Amendments to the Bill [illegible] Cases of Treason.] Dec. 11. Mr. *Clarke.* I would not [illegible] ments, and limitation of time. I hope the [illegible] peachments in their hands, and I hope this Bill [illegible] of parliament. Suppose a person should con[illegible] witness, he is to die for it. Suppose a person [illegible] such a person but by parliament: by this Act [illegible] ments. I fear this Bill will repeal the 25 Edw. 3rd, and I am against it.

Mr. *Finch.* I did not expect this objection against the Bill, but I think it is so remote, as not to come into a man's thoughts. Whereas, before the lords Amendment, the Bill was for [illegible] Impeachments: and it does provide, that Im[illegible] of time, and that he shall have a copy of the [illegible] touched of that proviso in the Bill. But says Clarke, 'In other things there must be two witnesses, but in constructive treason one witness is enough. This is the bottom of the objection, and it is an imagination that Clarke has found in his judgment. Nothing, in this Bill, does touch that; but, as he says, 'It is hard to condemn a man for an unknown treason, by one witness, and a known treason by [illegible]' [illegible] been but one instance, since Edw. 3, of constructive treason judged; and that was in the case of John Imperial.

Mr. *Hampden.* If the lords be let in upon you, they may undo you. I would treat the [illegible] be no limitation of Impeachments in parliament. I wish to God this law had been sooner, [illegible] Treason.' Pray, with all our haste, give me [illegible] words, 'No limitation of Impeachments in [illegible] Edw. 3.'

[illegible] 'That this Amendment takes away any privileges of the house, ushered in with a graceful concession from the lords.' I know that a com[illegible] but if a man be impeached for that which is a known treason, it is not to be imagined that the commons would impeach a person without two [illegible] *ditionalibus*, as for that statute 25 Edw. 3, 'In doubtful Treasons, the Judges shall tarry, and [illegible] the treason;' but I ask, if a man be indicted for that, may that be a question, and the jury find a man guilty without two witnesses? No [illegible] without two witnesses—Such a case cannot be [illegible] ceeding as in other places! A man must have [illegible] his own witnesses sworn; which is reasonable [illegible] other cases, so in this of Impeachments, a man shall have his counsel. No man can say, nor suppose, there will ever be such a case, that a [illegible] whether the Statute of Henry 4 had not taken away Impeachments in parliament; but this [illegible]

Sir *Tho. Littleton.* Finch says, 'Impeachments in parliament have been a question, but [illegible] I do not blame Finch, who thinks the lords [illegible] this house, you would have taken care that no- [illegible] ment, and the lords say it shall—A commoner may be impeached as well as a lord; and, I [illegible] defending an Impeachment, and I hope I shall [illegible] gentlemen of his own quality, I think a cause is as well tried without counsel, and I would dis- [illegible]

The *Speaker.* I take leave, without arguing, [illegible] Impeachments) viz. 'Not confined to point of time in Impeachment, and Witnesses for the [illegible] tion: one against the honour of the lords, and [illegible] Amendment stands, can a person be allowed [illegible] lenge a lord. In ordinary prosecution, the [illegible] sitors, and not upon oath; it may admit dis- [illegible]

Mr. Solicitor *Somers.* You have done jus- [illegible] by a learned gentleman, 'That the lords grant [illegible] peached;' and why then a new provision? But [illegible] last parliament, every word was left out that [illegible] ment; and the lords have now made a direct [illegible] above the law; and, I believe, did not take [illegible] tence? If that be so, then that branch of the statute of Edw. 3 is directly taken away. It is [illegible] ment, in the case of Fitzharris * at Oxford. I [illegible]

Mr. Attorney *Treby.* I do not wonder at the [illegible] fore you as stating Trials for Treason; and the honour of the house is a great thing in Im- [illegible] 25 Edw. 3 was thought the safest and best that ever was made: before, there was a latitude of [illegible] 'Because it could not enter into the mind of man to excogitate the offence of Treason, &c.' Men may invent Treasons of a higher degree [illegible] money, you may lie under the hardships of [illegible] Henry 4; but that statute is not meant of Im- [illegible] away Impeachments; but in Mr. St. John's Arguments against lord Strafford, I find no [illegible] common law. I fear, this Clause of the lords [illegible] but I would keep it as it is established by 25 Edw. 3. If but a doubt in it, plainly say that you will keep it, and that you will take as much [illegible]

Sir *Edw. Seymour.* I have observed, that [illegible] prisoner. I have had the honour, or misfor- [illegible] *vagum*; but that declares it. No man doubts [illegible] that statute? When all is done, I am as little [illegible] would I give the lords new jurisdiction; but if there be any doubt, I would have it explained, that it may be understood; but do not make [illegible] trial, when the whole weight of the kingdom is [illegible]

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* See vol. iv. p. 1332.

[illegible] peachments, I should be against it. Your [illegible] interior court. But the construction of the words (as the Speaker said) 'extends not to [illegible] What is it the lords have offered? In cases of [illegible] were most against the bill at first; and I hear [illegible] mend it. I can never suppose that the com- [illegible]

[illegible] ment is a constitution so necessary for pre- [illegible] thereto in general words; because they may be liable to divers constructions, whereby pro- [illegible]

The following Clause, marked A, was added by the lords: "And be it further enacted, by [illegible] peers that have a right to sit, and vote, in par- [illegible] least before every such trial, to appear at every such trial; and that every peer so summoned, [illegible] trial of such peer or peeress so to be tried; he [illegible]

[illegible] timed, now the crown is in more danger than the peerage. Were I a peer, I would so clog the trial of peerage, that all the peers must be summoned. My reason against this is, that [illegible] is an exception for a commoner. If all the [illegible] benefit by it. I am against it.

Mr. *Bertie*. This Clause is only for trial of peers out of parliament; in parliament they [illegible] stand up for their country.

Mr. Solicitor *Somers*. I observe it an objection, 'That speaking against the last Clause [illegible] cracy; and this Clause is, in a great manner, [illegible] relations to stand by him. I am against it; for, by this method, you will never have a good bill, but it will be thus clogged. There is no [illegible] it with this Clause. Your ancestors have [illegible] their great possessions; a third part of the nation was amongst the clergy and the lords, and [illegible] greatened. But the lords have a controul [illegible] them? What you do now in the lords privileges, you take so much from the crown and [illegible] never be remedied; for the house of peers will [illegible] are weary of this privilege of trial, let them [illegible]

Mr. *Finch*. I hear an objection made, 'That when all the peers are summoned, those [illegible] were so great men formerly.' As the law stands [illegible], when the king erects a court of trial for a

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[illegible]

peer, the lord steward summons them; and if [illegible] pearing, it is such a contempt. Now turn the [illegible] law? If they be impeached, they are tried by [illegible] try him: and it is but the same in parliament [illegible] that one of the states will be in conspiracy to [illegible] as well as in parliament? It is said, 'This has [illegible] then justly, when it was tacked to matters not relative to it; but here it comes naturally. But it is said, 'This is for the benefit of the [illegible] a reasonable thing, I hope you will agree. [illegible] out of parliament. There is no hurt in this Clause, unless a man will say, that, the parlia- [illegible]

Mr. Attorney *Treby*. The consequence of this Clause is, that when a lord commits a capital matter, 'tis said, 'It is but like Trial in parliament;' but 'tis of another force in parliament, than out of parliament. If a man be so great as to keep off a parliament, and to [illegible] impunity. I would not place them in that de- [illegible] marked A, passed in the negative; and a Committee was appointed to draw up Reasons to be offered at a conference.

[illegible] *Thompson*. I could wish we had a self-denying [illegible] have Places, or Offices of profit.' I am justified by good authority; for, before Henry 8's time, [illegible] fit to consider, that, when the commons were [illegible] men, and favourites, from the crown: the rea- [illegible] I speak my mind truly, and have no reserves; [illegible]

Sir *Christ. Musgrave*. I moved the question, and I'll tell you the meaning of it; 'That [illegible] per that they should not be receivers, than give [illegible] who shall have privilege, and who not, I am against that. I would, at present, wave both [illegible] debate: But if you will lay your hands upon [illegible]

Admiral *Russel*. I move, 'That the moiety of all Profits of Offices above 500*l.* per ann. [illegible] this motion long ago, before I had a place; but now I rejoice that I have an opportunity to [illegible] body, for this motion: I will only say, if I found my service acceptable, I would serve for nothing. I am for the question entirely: but there must be exceptions; as of the Judges; they [illegible] and the Commissioners of the Great Seal.

[illegible] Lowther is worthy observation: they do lose by their employments, and I would have them [illegible]

Mr. *Howe*. I am sorry that we that have no offices, have no power to vindicate ourselves; but some things are to be considered in the question. There is great difference in employments. A man has greater loss in the [illegible] obliged to keep tables.

Mr. *Dutton Colt*. If offices of 500*l.* per ann. shall not be taxed, I shall have no share in it; but if keeping no tables, I am willing to [illegible]

Col. *Granville*. I move, 'That all Salaries [illegible] per ann. but to cut off two parts of three, is the [illegible]

Resolved, nem. con. "That the Salaries, [illegible]

Report of a Conference respecting the Bill of [illegible]

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* "The detection of extravagance, and of [illegible] not only animadverted upon in the course of the debates upon the Supplies; but induced [illegible]

Reasons to be offered at a Conference, for disagreeing with the lords in their Amendments to the Clause marked A, (p. 681), in the Bill of Trials; viz. "This Clause, added by the lords, is of a different nature from the intent and purport of the Bill; which is designed to [illegible] more equal way of making their defence, in Trials of treason and misprision of treason, but not to alter the court, or the method of constituting it."

To which the lords, at a Conference, returned the following Answer: "The lords observe, That, in the Reasons offered by the commons, for disagreeing with them in the Clause marked A, in the Bill entitled, 'An Act for the better regulating of Trials, in cases of Treason,' they do not object against it as unreasonable in itself, but as it is of a different nature from the intent and purport of the Bill.—The lords look upon it quite otherwise, and [illegible] should be [illegible] that doth so naturally agree with the scope of it, which is the [illegible] at any time hereafter be accused of any of the crimes therein mentioned.—The ground of this Bill is, that every man, who shall be prosecuted for [illegible] a fair and equal trial for his life; so that, in what respect, or by what circumstances soever, [illegible] man's life, estate, or liberty, may be unduly exposed [illegible] above expressed, it is very fit there should be a remedy; and therefore, if the present method of trying peers giveth just cause of objection to it, in relation to the true and natural meaning of this bill, it is either to be showed, that the objection is of no force, and that, in the present method, there is no such defect or inconvenience, or it must be acknowledged there ought to be a remedy; and then it cannot be denied, but that such a remedy cometh properly in this Bill, since it agreeth both with the title and intent of it.—The lords are of opinion, That [illegible] least equally concerned with that which they may be to have in passing this clause.—In their judicial capacity it can never be thought convenient for those, to whom they are to admi- [illegible] have a part in the legislature, it seems to be [illegible] method of their Trials, be so distinguished, as [illegible] constitution, than a mutual care of one another in all the parts of it. It is that most especially, [illegible] maintaining the safety and greatness of the nation; of which they are so fully persuaded, that they will never fail to support and improve [illegible] in this, or any other instance, where they shall be well founded, as they take themselves to be in the matter now in question."

[The King's Speech on passing the Money Bills.] Dec. 24. The royal assent was given to two Money-bills; upon which occasion his majesty expressed himself as follows:

"My lords and gentlemen; I must not lose this occasion of returning you my hearty thanks for the great proofs you continue to give me, of your zeal and resolution to support and assist me in the vigorous prosecution of the War against France next year: and I assure you it shall be my greatest care that the assistance you give me, may be so applied, as to render them more effectual for the Aids you designed them: but I must take notice to you at the same time, with some trouble, that the new year is already come; while our preparations for it are not only more backward, but those of our enemies, as we have reason to think, in greater forwardness, than they were the last year. I find myself therefore necessitated from this consideration, most earnestly to recommend to you, gentlemen of the house of commons, the hastening such farther Supplies as you design for the prosecution of the war;—My lords and gentlemen; The season being so far advanced, [illegible] cannot admit of a much longer continuance, and therefore I must recommend to you the dispatch of all such other Bills, that you shall [illegible]

[Debate [illegible] the Amendments to the Bill of Trials.] [illegible] 31. Sir *Charles Sedley.*[*] Mr. Speaker, the Trial by their peers could never be meant peers of the king's appointment; I take the Clause in question to be very agreeable to the title of [illegible] equal Trial of persons accused of Treason, or M[illegible] have grafted a provision for themselves in that

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of office, and for preventing future abuses of the Revenue. These bills, however, were either [illegible] such amendments as tended to defeat their very purpose. A bill for ascertaining the Commissions and Salaries of Judges, and rendering them independent, began in the commons, and p[illegible] assent to it. The declining influence of the crown, unequal to the vigorous prosecution of [illegible], as [illegible] the royal assent from a Bill essential to the [illegible]

[*] Sedley's Works, vol. ii.

[illegible] are now sitting in the parliament: This, some [illegible] lords they please under the power and judgment of the majority of twenty peers, nomi- [illegible] as to their lives and fortunes, than the meanest [illegible] three juries; whereas a lord cannot except [illegible] this privilege of ours, they desire they may be [illegible] will come to the Trial. Others again say, If this Clause pass by reason of the mutual rela- [illegible] not much inter-marry, chusing rather to better [illegible] fical lords, like the catholic bishops, in *partibus infidelium*. This Clause is likewise very [illegible] in king James's reign; and I hope we shall never be tenacious of those wicked and indirect [illegible] many of our best friends; the lords have estates to make them cautious, but not dangerous; [illegible] power in being: The reigns of princes are re- [illegible] pass; and as we have given largely for the Sup- [illegible] past nothing but Money bills, or bills of a private nature: It is high time we should do something like a parliament of England; let us not [illegible] to obtain, but from so gracious a prince.

[illegible]

A great many honest gentlemen have lost their lives for want of this bill. If it be law already, that a prisoner should have a copy of the pan- [illegible] king that will secure your liberties, we never shall. I hope we shall take this advantage for [illegible] advantage that we give the lords. I cannot [illegible] that the lords might be out of danger of their lives, which I call so for doing their duty; and [illegible] hang them? When ruffians shall be sent abroad to kill a lord, by the power of the court, if the [illegible] in danger, I hope you will agree with the lords.

[illegible] Reasons, you put a greater compliment upon [illegible] as well as the lords. They put it upon you, 'That the objection is of no force:' which is proving a negative. They seem to make their rhetoric come in aid of their logic. It is a [illegible] any time for promoting the interest of this house? I will give an instance: this house passed a Bill for regulating Elections: the lords thought it for the interest of this house, and would not pass it; and that was their good intention to this house then. If this Amend- [illegible] government, that I cannot agree to it. They have a power of over-ruling the courts of Westminster; and you, by this Clause, will complete [illegible]

Mr. *Finch*. I am not for insisting, if that [illegible] The lords tell you, 'It is a proper Clause they offer you, for the Bill says it.' If the case be, [illegible] the argument is no more than, if there be inconveniences in the Trials of peers, as there [illegible]

[illegible] be in danger? The greater he is, the more [illegible] party; and it subjects some lords to the will [illegible] 'If all the peers be summoned, none will come, but only such as will acquit him, as his allies, &c. [illegible] come, as any common jury is. The danger is not at present, when we have a wise and good prince upon the throne, [illegible] may be a Henry 6, governed by his lords. I have not heard any objection, that this weakens the government, but 'that all the peers summoned will not come:' but they forget to tell you that they may be absent. We do not [illegible] that relations were so prevalent in lord Stafford's Trial. But one Howard of six or seven that were his Judges, found him Not Guilty;* and will a peer expose himself to contempt for this? There is no reason not to agree with the lords, unless this: that, if we do not agree, the Bill may [illegible] unsafe. There is nothing in it, but to render an innocent man safe, and it does not weaken the government. It makes it more hard to condemn an innocent man, and acquit a guilty.

Mr. Attorney *Treby.* I am against the Clause, though I am fond of the Bill. I hear [illegible] the government. I think the Clause does weaken the government. It is the removing of an ancient land-mark, and an article of Magna Charta. It is setting up a new court for Trial of peers. We are to redress grievances here, and, as if the lords have not privilege enough, to give them more! We shall not have [illegible] ance is rather at the bad execution of the law, than the law itself. By 33 Hen. 8, all are to be tried by freeholders, and yet, in spite of that law, the Judges have declared otherwise. As soon as the prisoner has his papers, if the court [illegible] have little benefit of the copy of his Jury, or Indictment. It is a great mistake alleged, 'That it is in the power of a lord steward to [illegible] said, 'A commoner may challenge, but a peer [illegible] to give their verdict *seriatim.* It was once thought a great privilege by the lords, but now a burden—It is objected, 'That it is in the power of the king to make a lord steward, and [illegible] does not the king make sheriffs? And I know [illegible] the Crown Law, which is Stanford's, says 'This is that *judicium parium* provided [illegible] of the laws of the kingdom. In parliament, [illegible] without the commons: and it is not likely that [illegible] will voluntarily appear; and none but friends [illegible] 'That twelve lords may conspire an unjust verdict.'—I suppose the lords may conspire. [illegible] lords, and this is as near to it as can be. The [illegible] pose that a lord steward will impannel so many as to take a man away—What is a man the better, if he be hanged for one sort of treason as well as another? It is dangerous to the government if they misbehave themselves. It is altering the ancient law of the land, under which the lords and we have prospered; and I would disagree.

Col. *Granville.* I think the lords tell you right; 'That this Clause tends to the scope of the Bill, and that it preserves the government [illegible] as you can.' The lords must upon all occasions, join with the crown, when there is a design to debase the privilege of the people. A [illegible] parliament, when twelve of the king's servants shall hang him, when he is out of these doors. [illegible] did what the king commanded them. I hope, [illegible] they come to give judgment. All the arguments incline you to this Clause; and, I think, there is only an obstinacy against it. (Excuse the expression.) I find gentlemen that were [illegible] and I would agree with the lords.

Sir *Christ. Musgrave.* I look upon the rea- [illegible] best reserved for a free Conference. If gentlemen are inclined to agree with the lords, they may do it upon a free conference with the lords. I see, by one influence from court, one [illegible] parliament. In lord Delamere's Trial there [illegible] We are not now to give a greater impunity that for- [illegible] judicial authority, and I hope you will not [illegible]

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* "Four of the Howards, his kinsmen, con- [illegible] acquit him. [illegible]

Sir *Thomas Littleton.* I was against this Clause before, and so I am still. I observe, that there was a time when the lords might have had this Bill, and at a time when the govern- [illegible] a time as we are in [illegible]

Serjeant *Montagu.* Littleton says, 'Why [illegible] be in felony, but not in treason, and therefore [illegible]

The Question being put, "That this house [illegible] 186 to 120; and a free Conference was desired.

[illegible]

"There are two persons, who will not only [illegible] sent. I desired six or seven members advice and direction to bring them over in safety; but [illegible] men mentioned, that I might have passes for them; and I am assured, those two persons [illegible] over speedily and safely. The matter I am sure of, and I doubt not, but all gentlemen here are as willing as I desire it. I received [illegible] messenger that I sent, is not to come over again, I had a blank passport for one gentleman, [illegible] port, and I have it by me. Those now in the [illegible] watch these persons, and a single passport is not security for their lives. The protection I [illegible] passport I have had, is for a person to go over [illegible] send to lord Sidney* for a pass, because I was [illegible]

Sir *Francis Drake.* Here is a plain mistake. I [illegible] again, to know what he would have to bring these men, whether a yacht, or by messengers.

Sir *John Dorrel.* Fuller says 'He had a [illegible] ders;' and it is said, 'He had a Protection as great as could be granted, and a Passport for [illegible] tions seem to me very odd. I would under- [illegible] into a mistake by that passport. Other mem- [illegible] you, Mr. Speaker; and I would have them ex- [illegible]

Sir *Christ. Musgrave.* I know not what pro- [illegible] than a pardon. People will laugh at us without doors. We have no Protection but for ourselves. If he will not be satisfied with the [illegible]

Resolved, "That an humble Application be [illegible] grant to Mr. Fuller a blank Pass for two persons, for their safe coming from beyond sea, or [illegible] and for their safe Protection, while they are [illegible]

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* Secretary of State, afterwards created earl [illegible]

* In a letter to the Speaker.

† About six weeks after this, (February 20) [illegible] the persons mentioned by him; but he pretend- [illegible] tion upon oath. February 23, Fuller's exami- [illegible] himself, and also one Jones; which he not be- [illegible] "That Mr. Fuller is a notorious Impostor, a Cheat and a false Accuser; having scandalized [illegible]

Debate on a Motion for farther Supply.] Jan. 11. Sir *Robert Cotton.* I move for a Subscription of the Members, for a Fund to raise Money.

Sir *Charles Sedley.* They that have good estates may spare out of [illegible] that have not, 500*l.* per ann is enough for them.

Sir *Edward Seymour.* I observed once, 'That this was a well-officered parliament.' If the methods of their bounty be brought into example, the next year will be upon land in general. I did hope that gentleman, that [illegible] out. Nothing can be of worse consequence than to multiply taxes. When the usurer has the advantage of the taxes, and not the public, gentlemen may live long enough to be mistaken [illegible] you can I shall make you a proposition to raise this money by a Poll-bill. I see nothing proposed, but what touches some particulars. If you had proceeded in a parliamentary me- [illegible] before you had engaged the king in a war. [illegible] bills, and the lowering of interest. I propose a [illegible] a general quarterly bill of 12*d.* a quarter and all gentlemen 12*s.* a quarter. I do say, twenty to one in England paid not a farthing tax. This will come in quarterly, and there will be no [illegible] into a war, we must get out of it as well as we can. By this you avoid interest, and all other objections.

"The house being wearied" says, Mr. Grey, "with Propositions, this took."

Report of the Free Conference respecting the Bill of Trials.] Jan. 18. Mr. Charles Montagu reported the two free Conferences with the lords, concerning the Clause added by the lords to the Bill for regulating Trials, in [illegible], as follows:

"That the Members of this house, who were commanded to manage the free Conference with the lords [illegible] their lordships: That the Conference was begun by the managers of this house; who did [illegible] sired this free Conference, in order to a good correspondence with their lordships. That the [illegible] was first returned from their lordships, it came down with very many Amendments; and the [illegible] the desires of their lordships, and to give the Bill a speedy passage, that they agreed to all those Amendments, except the two last; though some of them were of a very nice na- [illegible] the first Conference, the commons gave their [illegible] to the first Amendment proposed by this house, though they did insist on this other, for which they delivered their Reasons at a second Conference. That the Reasons had been solemnly and deliberately considered by the commons; [illegible] vince them; and they did still disagree with the lords in the Clause marked A; and did in- [illegible] nagers told them, It was very unfortunate, that no Bill for the relief of the subject, in these cases, had been tendered for many years last past; but either this Clause, or something [illegible] and been the occasion of losing it; and that, as this was never thought reasonable to be admitted formerly, upon any account, so neither [illegible] introduce. That such an alteration is far be- [illegible] had in preparing this Bill. They were desirous that all men should have a fair and equal way of making their defence; they wished that the guiltless should, by all necessary provisions, [illegible] making their innocence manifest; but they did not design to subvert the essence and constitution of the courts; they did not intend to disable the crown, in one of its most necessary prerogatives, or to place a judicature in other [illegible] and the customs of the realm, have committed it. But the Clause, now in dispute, strikes at no less than this, and, in consequence, at the alteration of the government of England.— That the government of England is monarchical; and the monarch has the power of con- [illegible] officers, for administration of justice. Though they are to proceed according to the known rules and limitations of law, the judges are constituted by his commission; the sheriffs are of his nomination and ap- [illegible] jurors; who are to pass on the lives of the commoners. And, in like manner, it is the prerogative of the crown to constitute a lord high steward, who, by [illegible]

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of honour and quality;" and they farther Resolved, "That an Address be presented to his [illegible]

Fuller was accordingly prosecuted, and sentenced to stand in the pillory; which ignominy he [illegible] cern.

[illegible] tends are of such a nature, that, except only [illegible]

[illegible] the late reigns, from whence a just cause of [illegible] ed came off, though pursued with great violence; the one, because the grand jury could not be prevailed on to find the Bill; the other [illegible]

[illegible] lence of those times was such, that the commons were not protected by that innocence [illegible]

[illegible] justice and honour of his peers; and it may [illegible]

[illegible] alter that which has proved a bulwark to their [illegible] Clause to be of a different nature from the Bill. [illegible]

[illegible] from the crown; but the whole order of peers have a right to make up the court; and all the friends, the relations, and the accom- [illegible]

That there is another great alteration in the con- [illegible] the Trial of every peer; and every peer, who has a right to sit and vote in parliament, is to [illegible]

[illegible] the lords spiritual are peers: this is certain; [illegible] opinion, would find it difficult to answer the several Records of Parliament, and other au- [illegible]

[illegible] ford, in the reign of Edw. 3: The famous Protestation 11 Richard 2, when the Bishops [illegible]

The lords spiritual, in all probability, by their [illegible] fore; that, by this Clause, the constitution of the court is quite altered; it having been taken for law, that the lords spiritual are not to be tried as other peers, or to be present, or vote, at the Trial of any other peers, at least out of parliament: for, as to their right in parliament, [illegible]

[illegible] the lords, and the commons had added a Clause, [illegible] lenges for consanguinity (which, if it be considered, is somewhat of the nature of the lords Clause, though it does not go so far;) if the lords had thought fit to have used the same reason for disagreeing to such a Clause as the commons [illegible]

[illegible] mons observed, that the lords, in this Clause, [illegible] Trials, and therefore the commons wonder that [illegible] Reasons) should conceive 'that they were dis- [illegible] Trials than the meanest subject;' since the com- [illegible] and high privilege (upon which so great a value [illegible] served so long. If any lord, at any time, should [illegible] are a security to him against being oppressed [illegible] to find a Bill, before he can be indicted; and [illegible] [illegible] [illegible] [illegible] stitution of the government. That it appears, [illegible] 2 Henry 4, and to have been well known at that [illegible] been an innovation then; the lords, who had [illegible] [illegible] [illegible] [illegible] ings before a lord high steward are to be found, [illegible] Lancaster, was the last high steward who ever [illegible] [illegible] [illegible] office, except in this instance of trying of peers, [illegible] [illegible] [illegible] transmitted into other courts, and so come to be found.

"The commons observed, 'That, if there be [illegible] it must be founded on a supposition of partiality, and unfairness, in constituting a high steward [illegible] [illegible] [illegible] That, as to the partial constituting of a high ste[illegible] [illegible] crown with the administration of justice. That [illegible] [illegible] part of the administration: And if, upon such a supposal or distrust, the remedy must be, to [illegible] [illegible] must carry the thing so far, that the nature of [illegible] [illegible] the commons are unwilling to suppose that it is [illegible] [illegible] [illegible] and the noble order they are of, as, for revenge [illegible] if the lords will suppose, that such a number of peers may be capable of being engaged in so ill and so dishonourable a thing, then the commons [illegible] [illegible] upon the peers; such as pity in friends, partiality in relations, and the consideration of [illegible] [illegible] lingly into matters of blood.—That the most in[illegible] themselves, either from a consideration of dis[illegible] drawing on themselves the mischief of a breach with the family of the [illegible] other; (for it is to be observed, that a res[illegible] [illegible] [illegible] care of not engaging too far; for these Trials [illegible] troublesome times) will keep indifferent men away:—But the care for a friend will not fail to bring friends to the trial; the concern to [illegible] relations; and if there be any accomplices, [illegible] [illegible] ber must be considerable in these cases; for it is not to be imagined that a lord can enter [illegible] may be performed by single persons; such as poisoning or assassinating the prince.—That the Treasons, which it can be imagined that [illegible] [illegible] must be engaged; and, if some accident discover sufficient matter for a Charge against one [illegible] will have as good a right to try their confederate as any indifferent lord; and no doubt but it is their interest to acquit him: and how far, at [illegible] the scale of justice, may deserve to be considered; especially in times (which may happen [illegible] [illegible] up to the crown, and great parties formed.—That this is a law which is to have a perpetual continuance; and that the same loyalty, wisdom, and zeal, which appears now in their lordships, [illegible] terity, is a thing rather to be wished than depended upon. That if, therefore, the Clause has a tendency towards letting in an impunity [illegible] [illegible] [illegible] it will be to the constitution, if such a body as [illegible] [illegible] Treason added; and what that must naturally [illegible] [illegible] two houses is of necessity for the safety, honour, and greatness of the nation; and can never think, that it is to be interrupted by their re[illegible] stitution; assuring them, the commons will never fail in improving the true interest of the lords; but they persuade themselves, that the lords will be of opinion, that, to introduce any [illegible] [illegible] [illegible] for the lords, who spoke at this Conference, were, the duke of Bolton, the marquis of Ha[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] the commons, especially in a Clause of so great [illegible] well-being, but their very being: that they had [illegible] same consideration for theirs; that nothing was [illegible] fences for innocence, in all times. Necessity, [illegible] though there were good times, in respect of [illegible] are unquiet, and unsafe; and what but a good [illegible] fore they would speak the more freely: it is too narrow a consideration for a parliament to seek only our present ends: our ancestors had farther thoughts: and they did not doubt but [illegible] the lords sake alone; there can no good be [illegible] but by agreement of both houses: there must be a concurrence of the greatest part of the [illegible] land. There may come a prince, when we are [illegible] the liberties of the people; and then the com[illegible] of the lords; and desired we would consider, in such a case, whether it would not be a great discouragement for the lords to act, unless they [illegible] and if there may be such princes, is it fitting [illegible] they lie under shackles?—That the lords [illegible] should not pass; but they would be loth that those lords, that are eminent for their public service, should be eminent for their sufferings for it. [illegible] crimes, and carry with them a greater supposition of guilt than any other accusation, there all the lords must judge; but when there comes a private prosecution, which may proceed from the influence of particular men, then a lord lies under the hardship of being tried by a few peers, chosen to try him, whilst all the people may sigh and wish for him; but such a Clause [illegible] man hope better to come off by, than by being tried before a parliament sits, where his [illegible] come off; and it shall be said, No man can [illegible] Hen. 8.; that it was brought in then to take [illegible]

[illegible] wards, a party was chosen to condemn the [illegible] don, 1 Hen. 4, is no good case, nor truly re[illegible] mention his being beheaded by the rabble in [illegible] formerly summoned the court; he summons it still; the nature of the court is not altered by [illegible] are three or four Judges in it.—Though this [illegible] the Bill, yet either house has a power of adding what they think may make it better; and, though this is not of a different nature, there [illegible] natures; but this is so far from it, that it agrees entirely with it, and is as suitable and necessary [illegible] crime committed; so that it is impossible for the judges or sheriffs to have a prejudice against any man; but the lord high steward is ap[illegible] is a strong thing joined with this passion, which is, their making their own fortunes by serving [illegible] Peers, in the time of parliament, must be by [illegible] liament? It is a little favour that the lords ask in this Clause, considering the privilege of par[illegible] ways subsisting, and is like to continue so [illegible] will have the advantage of a parliamentary [illegible] proceeding in that matter. That, in the case [illegible] in town, and there were a great many of those [illegible] lords not chosen; and it is a great question, [illegible] managers, 'That they could not allow any thing that tends to an impunity,' is a very large assertion, and may be an argument against the [illegible] copy of the indictment, and witnesses being upon their oaths, a guilty man may escape, and [illegible] reasonable [illegible] That this Clause could not extend to the Bishops; for it relates only to Trials out of parliament; and they are only peers in parliament, where they take their privileges [illegible] and they do not vote in blood; and by the word 'Peers,' [illegible] twelve peers were sufficient to condemn a peer; but this makes no alteration in the argument; for there is not [illegible] Indeed there might be great difference where a crown, or government, was not concerned.—That the excellency of a Jury is, that they are taken *ex vicineto*; what is the reason of this? Why, in case of false witnesses, it is his neighbour that is to save the man. But what security have the lords, when those are picked out to try them, who are not of their acquaintance, and the lords that know [illegible] their lives to be [illegible] try [illegible] sworn against them, [illegible] reason.—That it is supposed in the commission of the lord high steward, that all the peers should be summoned; for, by his commission, all the peers of the realm are commanded to attend upon him, and be obedient to him; so that the king's [illegible] does not only give liberty, but [illegible] commanded."

That the Managers for the Commons, by [illegible], said,

"That this Clause would alter the constitution of this court, and thereby a very considerable part of the constitution of the government; and that for the worse: that it is not to be allowed, that any new law [illegible] alter the constitution: that a new law may be made to strengthen or restore the constitution against abuses; it may be declaratory, it may ascertain things heretofore left to reasonable discretion; which are but circumstances and accidents; and, notwithstanding such new laws, the substance of the constitution remains the same: So, by this Bill, the person indicted is to have a copy of his Indictment ten days before he shall plead: whereas now, by the common law, he is to have the indictment read to him as oft as he needs and desires; and to have copies of so much of it as he has occasion to [illegible], and reasonable time to plead: by this Bill, he is to have his witnesses sworn, which, in some learned men's opinions, was the law before: however, it is but a circumstance added to the testimony: by this Bill, he is to have a copy of the panel before the [illegible] copy a reasonable time before: and, by the [illegible] it is to have a reasonable [illegible] certains, by a number of days.—But the Alteration, by the Clause in question, is in a most substantial part; and which highly affects the [illegible] of the government.—The government is a monarchy: and it is a main part of the king's authority to administer [illegible] officers of his own appointing.—That the king makes sheriffs; who, for the trial of a commoner, [illegible] for the trial of a peer, summons so many peers as are sufficient: That, take away these powers from the high steward, and sheriff, it takes so much from the regal authority; and it will [illegible] less than to render the [illegible] the crown, [illegible] crown; wherein, above all other things, the [illegible] peace, and safety of the government, [illegible] concerned.—That, if a like Clause were brought in, That every commoner should be tried by all the freeholders of the county that would [illegible] it could not well be denied, that this were a change of the constitution of the government.—It may as well be said, That it is no altering of the constitution to divest the crown of the power of making Judges [illegible] and equity, and other [illegible] of peace, and other officers. [illegible] in parliament, by [illegible] Edw. 1. That the [illegible] of any county should chuse the sheriffs: but thereupon ensued such [illegible] mischiefs in the country, that, by the desire of the people, in parliament, 9 Edw. 2, the power of making Sheriffs was settled in the crown.—That, though the high steward be said [illegible] Court; yet the peers tryers are so necessary a part of the court, that the conviction, or acquittal depends on them, and therefore not only the number of tryers, but the nature of the court, may properly be affirmed to be altered by this clause. That the Commons were surprised, when they heard it alledged, That this court, and course of [illegible] was first introduced, in Henry 8th's time, by Cardinal Wolsey, in the case of the duke of Bucks,* and that all trials of peers before were in parliament: The statute made 15 Edw. 3, manifestly proves the contrary. It ordained, That peers should be tried by their peers in parliament; but provides, That if any peer would chuse to be tried elsewhere than in parliament, he might.—Indeed, the statute was repealed [illegible] Edw. 3, because it was so injurious to the prerogative. But yet it shews there was then such a court and course of trials as this, out of parliament: for they could not, in Edw. 3d's time, divine, that there would be such a new court

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* See Cobbett's State Trials, vol. 1. p. 287.

[illegible] dan, 1 H. 4 reported in the Year-Books, is no [illegible] there : and it is cited, as authentic, by Stam-[illegible] Pleas of the Crown : and his opinion also is, That this way [illegible] the *Judicium Parium* mentioned in Magna Charta : and Stamford is of great authority in this behalf; for that he was cotemporary to the reign of Henry 8; and could not have been unacquainted with this innovation, if such there had been made in that time.—And the very Clause of their lordships now in question, doth affirm the legality of this way of trial : for it distinguishes Treasons which corrupt the blood, from others; and leaves all other treasons, and all felonies, to be tried by peers summoned by the high steward [illegible] great danger apprehended to the peers [illegible] this kind of trial.—That the commons do not admit, that a peer can be convicted by seven peers : there must be twelve, at least, to concur in the verdict : It is not only said by my lord Coke, but the law is, That no man shall suffer capitally at the king's suit, unless his offence be found by 24 [illegible] find the Indictment, and 12 to give the Verdict.—And that [illegible] in the Verdict, [illegible] lord Dacres' Case, 26 Henry 8. Which [illegible] Moore's Reports.*—[illegible] the case of every peer that has been convicted, is a proof of this : for it cannot be [illegible] twelve.—The *Denomination* [illegible] law of England ; and understood to be that number [illegible] facts is intrusted : and therefore, in all other [illegible] the high steward, wherein the command is in [illegible] truth of the matter may be tried ; it is to be [illegible] a clause of the same form and nature, as is in [illegible] do so by law, and it can no more be inferred, [illegible] in other commissions, all the freeholders are to [illegible]

[illegible] ancestors chose to distinguish themselves from their inferiors ; and always claimed and enjoyed [illegible] commons are ; viz. They are upon honour, not oath ; are not challengeable ; give their Verdict *seriatim* ; may have more than 12 on a trial ; and have claimed a liberty to eat or drink before their Verdict : and they used to value [illegible] of their ancestors, are to be excused, if they [illegible] cerning the peers, or upon mistakes, and not [illegible] it a strange and foreign supposition, That a great and guilty minister, finding himself liable [illegible] should, by his power, procure himself to be tried [illegible] pose, by a plea of *Autrefoits acquit*, to prevent a second and true examination of his crimes ; for he must be first indicted of the treason ; and then run a hazard, whether his power will be and continue sufficient to oblige so many peers [illegible] there is no example of this kind : and, if such an unheard-of proceeding should ever happen, it is left to consideration, Whether a parliament [illegible] gross and fraudulent a contrivance : besides [illegible] Clause, would be no less liable to such abuse. [illegible] instances of injustice in this court : and perhaps [illegible]

[illegible] there for Treason, there have been two acquit-[illegible] have been summoned ; and, if the Trial had [illegible] had been obliged to come : but the tradition about that matter is rectified, by the discovery [illegible] ships) ; where it is made appear, that that earl [illegible]

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* See Cobbett's State Trials, vol. 1 [illegible]

* See Cobbett's State Trials v. 1. p. 417.

But, it [illegible] however must be observed, wh[illegible] [illegible] power [illegible] posed to as much danger, as they were, if any [illegible] a peer hath stood indicted, sitting a parliament, [illegible] there to be tried by all the peers: but they do [illegible] ordinary court; and it would be highly inconvenient, in case of long adjournments, if it [illegible] ment, that, because there is this extraordinary [illegible] dinary by a number of peers should be taken [illegible] such an ordinary, therefore the extraordinary [illegible] another way of trial, which, in other capital offences, concerns the peers too; that is, by a [illegible] and any of the rest of the panel for cause: and by this the peers, as well as commons, [illegible] or other felony: but it is supposed their lordships will not allow it to be a good argument, [illegible] but they hold it a privilege to be tried, in such [illegible] Clause, is worse than any of those now in be[illegible] of a trial in parliament: for the lords house [illegible]

[illegible] sons, and to no felonies: and they might say, [illegible] prospect of safety to guilty peers; and might [illegible] if they are unquiet or unsafe, it is in relation to [illegible] proved."

Debate on the said Report.] Mr. *Waller.* [illegible] now, or no; but, I conceive, you may amend or restrain any part of the lords Clause. I am [illegible] have no increase of power. I think, if the [illegible] trials. If the house think fit, I will offer something. Put it to 'twenty-three,' and the majority will be twelve.

Mr. [illegible] conclude. You have had a very faithful Report. This latter Conference I shall speak to. [illegible] Bill; but it seems not parliamentary for the lords to tell you what to do.

Sir *Wm. Whitlock.* I think, at the last [illegible] think a peer may be convicted by the majority [illegible] be in the power of a lord steward to pick out twelve, to take away the life of a peer; therefore he should not summon less than a compe- [illegible] majority, must convict him.

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* See [illegible] State Trials, vol. [illegible]

Sir *John Guise.* I cannot speak of lord R[illegible] out indignation, supposing a change of government. I am for no compliments in the case, but downright for our liberties. It is proposed, 'That the lords should have 45 peers returned.' [illegible] the commons? You must have half the coun- [illegible] not as much for the commons? Pray let both [illegible]

Sir *Tho. Clarges.* I attended at the Conference. I desire no part of the people of England to be under hardship, for life, liberty, and property. I would willingly have all the peo- [illegible] tra-judicial. One of the robe said, 'He would [illegible] the lords.' In the eighteen years parliament, [illegible] was told the king, that the question was lost, [illegible] had a hank of.' It seems to me a great hard- [illegible] land. Shall we put the house of peers in a condition to give us no assistance? I remember the Declaration for Liberty of Conscience; but it was for Liberty of Popery; and the [illegible]* The then attorney-general said, 'He must aver, that none of the judges ever saw it but in print.' The king sent an Answer to our Address, 'That he must advise with his peers about it.' The lords then made a brave stand; and it was remarkable, the interest of the lords took into it. Then we had good lords, and I hope that place will ever be a nur- [illegible] ance of the lords. Nothing is so precious to mankind as life. You are told, 'This trial of the peers is ancient.' I have spoken with men that are versed in Records, and they can go [illegible] so, or no, it is a great inequality of justice, and [illegible] but, since we are come to a compromise, since it is offered, that such a number be only sent [illegible] whole lords, as well as we, are part of the peo- [illegible] part of the people.

Sir *John Lowther.* I would willingly preserve constitutions, not only of the lords, but of the commons. I know not why those under [illegible] This Bill was never, in the best or worst of reigns, offered till now. 'That an inquisition may come in upon us,' (as a lord touched at [illegible] have power to bring it in. The proper and natural question is, adhering.

Sir *Christ. Musgrave.* I hear it insisted on, 'That, by this Clause, the Bishops are brought in to be Tryers of peers;' because, 'That every one that has a right to sit in parliament, [illegible] swered, 'That they looked upon the Bishops [illegible] liament.' It is naturally moved, to put the word 'temporal' before 'peers,' which will solve [illegible] viso; they cannot, because it was their own.

Mr. *Howe.* I wonder at that, above all expressions, from Treby, 'The king, lords, and commons, are one body, and it is unreasonable there should be a hank but upon one another. The next Successor will take it very ill, that you should think him a worse prince than his predecessor; as ill a compliment to him, as a good one to this! Impunity of crimes is no less [illegible] turned out a king, and secured yourselves, was it only to change persons? I fear, persons about [illegible] the last. He makes his court worse to the king, to advise him to do a thing prejudicial to the people. I wonder we should so soon forget packed Juries. Lord Russel died for want of such a Bill. For fear of losing little places of 500*l.* or 1000*l.* per ann. to betray their country! After we have ventured our lives, [illegible]

The Amendment of 'Lords Temporal,' and 'not less than thirty-six,' passed; and the [illegible] the next day at a free Conference.

[illegible]

"My Lords and Gentlemen: I return my [illegible] the House of Commons [illegible]

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* See vol. iv. p. 503.

[illegible], for the great Supplies you have given for the prosecution of the War: I assure you, I shall take care so to dispose of the Money [illegible] — My Lords and Gentlemen; I think is proper to acquaint you [illegible] speedily; which, I am afraid, has been already retarded more than is convenient for the present posture of affairs: and, upon that account, I think it necessary to put an end to this present meeting; the season of the year being so [illegible] consequence to continue it any longer."

[illegible] April 12, 1692.* On which day the parliament met, [illegible] 24; from thence to June 14; from thence to July 11; from thence to August 22; from thence to Sept. 26; and from thence to the 4th of Nov.

[illegible] Session [illegible] Parliament [illegible] King [illegible] III.

The King's Speech on opening the Session.] Nov. 4. The parliament met at Westminster, [illegible]

"My Lords and Gentlemen; I am very glad to meet you again in parliament, where I have an opportunity of thanking you, for the great Supplies you have given me for the prosecution of this War. And I hope by your advice and [illegible] such measures as may be most proper for supporting our common interest against the ex[illegible] reason to rejoice in the happy Victory, which, [illegible] and I wish I could tell you, that the success at land had been answerable to it: I am sure my own subjects had so remarkable a part in both, [illegible] repairing their losses at sea with great diligence, [illegible] makes it absolutely necessary for our safety, that at least, as great a force be maintained at [illegible] therefore I must ask of you, Gentlemen of the House of Commons, a Supply suitable to so great an occasion.—I am very sensible how heavy this charge is upon my people; and it extremely afflicts me, that it is not possible to [illegible] is, indeed, very considerable; and I so much wish it could be remedied, that if you can suggest to me any methods for the support of them, which may lessen this inconvenience, I shall be ready to receive them with all the satisfaction imaginable.—My Lords and Gentlemen; none can desire more than I do, that a descent should be made into France: and therefore, notwithstanding the disappointment of that design this last summer, I intend to attempt it the next year, with a much more considerable force: and, so soon as I shall be enabled, all possible care and application shall be [illegible]* [illegible] I cannot omit taking notice of that signal deli[illegible] France, while that king is in a condition to make them. Let us, therefore, improve the [illegible] country, or any zeal for our religion. I cannot therefore doubt, but you will continue to support me in this war, against the declared enemy [illegible] and importance of them will admit; that our preparations may be timely and effectual, for the preservation of all that is dear and valuable to us. I am sure, I can have no interest but

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* The king embarked for Holland, March 5; and, soon after, a conspiracy was formed in England for the Restoration of king James, [illegible] France, under cover of a powerful Fleet; [illegible] a timely and destructive blow been given to the [illegible] sides frigates, &c. being destroyed, without the [illegible] ter, and col. Hastings. King James and his [illegible] dy, which put a final stop to his Invasion, [illegible] A descent, which was afterwards projected into [illegible] being concerned in a Plot to kill the king, was executed in the camp, August 13; and his majesty [illegible] October 19.

* "In consequence of this, orders were given for having a Fleet for Transports, with so great [illegible] an army of 10,000 men. This was very ac[illegible]

[illegible]

perties than I am, that you should always remain in the full possession of them: for I have [illegible] therto, I have never spared to expose my own [illegible] me, that I shall continue to do so, with great cheerfulness, upon all occasions, wherein I may [illegible]

[illegible]

"1. That the humble and hearty Thanks of [illegible] most gracious Speech; and to congratulate his majesty upon his safe return to his people, after [illegible] m the malice of his enemies; and to assure [illegible] ment in the absence of the king."

[illegible] great courage and conduct in the Victory ob- [illegible]

Debate on the Conduct of the Fleet.] Nov. 12, [illegible] the Fleet; and also several results of Councils [illegible]

Mr. *Goodwin Wharton.* I desire the house [illegible]

[illegible] harbour [illegible] flag officers; but I mean the Council of the private captains, for carrying on the descent, to [illegible]

Mr. *Smith.* This seems to me a defective [illegible] be. I move that you would go gradually to [illegible]

Sir *Robert Howard.* The advice you may [illegible] lishman: Cromwell demanded him, and his [illegible]

Sir *Tho. Clarges.* I would know what Answer came from lord Nottingham? They lay [illegible] is a great reflection upon Ashby. He will do it upon our best men. I would send for him, and [illegible]

Sir *Edw. Seymour.* I think it fit to have all before you, because you have a seeming accu- [illegible] was not pursued relates to Ashby: Therefore, [illegible] pare the Fleet. Though they said not, they [illegible] would not go aboard. But they are bold Commissioners to advise prosecuting a Descent against the opinion of all the Council of War at sea. Ordered, "That sir John Ashby do attend this house, with all speed."

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* "A great part of the French Fleet sailed westward through a dangerous sea, called the [illegible]

Sir *Tho. Clarges.* This Descent cost you some hundred thousand pounds. All we find, is bandying it from one to another. The sea-officers will not meddle without the land, nor the land without the sea. Except this Victory at sea, there has been but one act since this war towards abating the French power. I would know, whether the Admiralty ordered this? I have spoken with Newfoundland men, who say [illegible] the French go to [illegible] there by August. The French had two little forts there, which were attempted [illegible], and two little frigates, in 1682, took them. All is very unfortunate. I thought, after a victory, to have been secure in Trade; but we have lost above 100 ships. I would know who had the direction of the Descent? I hear, that after this Victory, it was very terrible to the French. To be still from the 19th of May till the 24th of July, was very strange! There was great diligence formerly, when Van Tromp put up a besom on the top-mast, and said, 'He came to sweep the Channel.' We are not in so good heart, at [illegible] as then, [illegible] we are now, but then we took many ships. But I know not how it happens, there is not that zeal [illegible] as was then: that though we have [illegible] success at sea, we have been very unfortunate on shore. I would know who had the direction of the Descent, so late, and retarding the land-men?

Admiral *Russel.* It is enquired, what the fleet did after the Fight? I aver, the season proved so tempestuous, that they could not stir. But it is not an argument now (by what has been told you) to what was done 40 years ago about the project at St. Malo's. It was the 14th of July before the ships could sail, and they must be clean before they take so long a voyage. Neither the English, nor the French, ever sail from Newfoundland till the 20th of September.

Sir *Tho. Clarges.* What Russel says of his own knowledge, I do believe, but the French go always a month before the English come away; and I do say that two privateers did take the fort.

Sir *Peter Colleton.* I move to know, who had the particular charge of the Transport Ships?

Sir *Tho. Clarges.* The thing we would know, is, the time when these ships were ordered; they pretend want of money, but there was no defect of that. I would know when these orders were given? I think the Commissioners of the Admiralty can inform [illegible]. I think some of them are worthy men; but they are in a hard condition. I cannot but take notice, that if Commissioners should be sent to the Fleet in [illegible], it may [illegible] great mischief. There are [illegible] cross orders from the Queen in the king's absence, and from the Commissioners of the Admiralty. The Commissioners are admirals by act of parliament.

Mr. *Smith.* I desire all respect may be used to Ashby. The common method is a summons; your order is already made; pray do not make another to contradict it.

Mr. *Hampden.* Your order is for Ashby to attend the House, but not how to be summoned. Therefore I move that the Speaker may summon him by his letter.

Col. *Titus.* I know not how Ashby deserves such a favour as a Letter from the Speaker. You sent for Delaval by your serjeant; I know no reason it may not be so now.

Sir *Christ. Musgrave.* I think it is the best way of respect to Ashby, to send a summons, and let your messenger deliver him your order, that he may come at his ease. To receive an order by a messenger of your own, is no reflection at all; but to send a summons by the post, unless it be better managed in other countries than in ours, I know not when it will come to us, [illegible].

Sir *Edw. Seymour.* It is well advised, that Ashby be summoned by your order. I know no distinction to any person to let him escape the order of your House by your serjeant.

Nov. 15. The Serjeant at arms acquainted the House, That sir John Ashby being served with the Order for his attending the House, he returned Answer, "That as soon as the person came to take the charge, and [illegible] the Fleet, he would attend the house."

Debate on the Bill for regulating Trials, in cases of Treason.] Nov. 18. Sir Wm. Whitlock moved for commitment of the Bill.

Sir *Tho. Clarges.* I have perused the Bill, and it came last session to a committee of the whole house. But since it has been already passed, there is no necessity that it go to a committee of the whole house. But I submit it to you, whether you will put it to a committee of the whole house, or a select committee?

Sir *John Lowther.* I cannot agree to the bill. I would have the security our ancestors had, be so to us, especially in this time, so few have been tried for Treason. The Bill says, 'Indictment is not to be presented but in ten days;' it is impossible in our county [Westmorland] where the assizes are but once a year, and witnesses may be dead, or tampered with, or the criminal may escape, and so not be punished. I should be glad my country and family may be secured, but I think this bill is no security.

Mr. Attorney *Somers.*[*] I shall never consent that any part of the liberty of the subject be taken away. I have not given occasion to any man to say I ever strained any construction of law. To several parts of the bill I disagree, but am totally against timing the bill, as unnecessary and inconvenient. I declare

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[*] The former Attorney General, sir George Treby, had been made Lord Chief Justice of the Common Pleas.

[illegible] commons, and put themselves under a very low degree. If a man have the good luck to conceal treason for a time, he may escape prosecution. Yesterday perjury was made a ca[illegible] by this bill, that I think it unnecessary, and ill-timed, and I am against it.

[illegible] I remember, in the Convention, one Grievance [illegible] wail the misfortune of the last government in misrepresentations of law; and it is just to prevent it for the future. As for the objection about the Impeachments, that is proper for the committee to consider: but I would know whether such a bill is not requisite? If so, what [illegible] it will be hard to get such a law. The time [illegible]

Mr. Solicitor *Trevor*†. There are great ob[illegible] do; and if the ends of it could be accomplished, I should be for it; but I take it to be quite [illegible] to be passed. I shall not deny, but there have [illegible] reigns; the way to prevent that for the future [illegible] mer laws. There are too many I fear that [illegible] whether is it proper to pass a law more difficult [illegible] nobody but will think then that this bill is an encouragement to impunity. Will the in[illegible] men against the government? What then will be the consequence? Tyranny and Popery will [illegible] Then will this be a protection to posterity? All the laws we can make, will not protect us, if there [illegible] greater [illegible]

Mr. *Harley*. I observe that those who spoke against the commitment of the bill, have [illegible] il, you are for throwing it out. In the Convention there was a committee for public bills, and [illegible] been done against offenders formerly? Because [illegible] The statute of 25 Edw. 3 regulates Treasons [illegible] It is said, 'The bill is not suitable to the disease;' if it be not strong enough, I hope you will make [illegible]

Sir *Charles Sedley*. I would by no means endanger the king's safety, and for ours we can [illegible] that we who cannot make long speeches, may speak to the parts of it.

Lord *Coningsby*. I always thought the im[illegible] no security to you; and if this bill helps to [illegible] still worse. One particular you allow; public enemies are those who own not the government. [illegible] Bill, and the Papists, that will bring Popish [illegible]

Mr. *Foley*. There have been misconstruc[illegible] no misconstruction in case of treasons but in the late king's reign—But in others, the proper remedy is a law declaratory. If you commit [illegible] no guilty may be protected. It is said, 'It will be hard by this Bill to bring a man to [illegible] there is no proper direction given for the prosecution.

The Bill was committed to a grand com[illegible]

[illegible] French were not pursued, after the fight at sea, to St. Malo's, &c. "That the Fleet would [illegible] lows; and one of his captains, a trader for[illegible] ground in a vessel but of 100 tons." And then withdrew. And, being called in again, the Speaker acquainted him, "That the house [illegible] and had [illegible] that they are satisfied with his account; and [illegible]

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* A Bill had been ordered in to make it Felony.

† Second son of sir John Trevor (Secretary of State [illegible]

[*Debate o*[illegible] *cers.*] Nov. 21. Captain *Mordaunt**. I wish the king would reward and punish more than he does; trumpeters and corporals have been made Officers: And I receive not the third part of my pay, to keep up the grandeur of my place of captain. I cannot believe that 14,000 came over out of Ireland. I believe that most [illegible] — [The Compiler heard him imperfectly.]

S[illegible] *Th.* [illegible] of great Misdemeanors in Ireland; the government is divided there into civil and military hands. I would know, who had the command of the Army in Ireland, lord Coningsby, or lord A[illegible]

Sir *Peter Colleton.* There are many brave [illegible] qualified for General-Officers, and there is no need of Foreign General-Officers. The fo[illegible] the foreign generals were against storming: but [illegible] for ought I know, had it not been done, Ireland [illegible] love their country, and will not willingly destroy their country. Foreigners cannot have [illegible] the English officers gave up their commands. [illegible] all on English ground. I think we are much safer in English hands than in Foreigners. [illegible] Steenkirk†; every one knows that tragedy. [illegible] Officers. I move, "That none but Natives [illegible]

Mr. *Wharton.* The thing is just, to encourage Englishmen, and as long as there is a necessity of a war, I would continue it on our own foundation. We want not Foreign Officers; we have natives fit for employment. Nothing but an English Army can preserve our [illegible] them to be entirely English, from the soldiers to [illegible]

Lord *Falkland.* I have as much esteem for English officers as any body, but the king, who is a witness of their actions and merits, is the best judge. I would have that come only from [illegible] War, it will be proper to speak to this then

Sir *Edw. Seymour.* I wonder, that, on such a subject as this and so little debating upon it, gentlemen call for the question so suddenly. I shall only observe, that there is a great deal of [illegible] reason of it; Subsistence money was regularly paid, sixpence a day, but threepence, the off[illegible] cers have but half pay, and as for trumpeters, &c. it was rectified, because, under the notion [illegible] stating the Accounts of Quarters, how much is owing to the country. Thus much I can say, [illegible] been paid, have defrauded the soldiers, and let [illegible] chance: it was necessity, and not chance. Men are not born generals. A man may be a good officer, and not a good general. We have not of our own men fit for that employment: [illegible] the Army, or Navy, and return with all disadvantage. What number have you fit for General-Officers? They are few; and will you th[illegible] have generals of your own? I am not for [illegible] General-Officers of our own fit for this employment, I hope you will not put the Foreign Officers out.

Captain *Mordaunt.* I hope, as good advice may come from Brackley as from Exeter (Sey[illegible] and Army, I care not how soon they are pu[illegible] Ireland, that have nearly cleared the pay. As [illegible] officers. I have served under foreigners, who did very well, and I hope they will be ex[illegible]

Sir *John Lowther.* I find some ambiguity in the question, viz. 'That, for the future, no [illegible] The great ignorance of military affairs, in king [illegible] these foreign officers; when an army is only for parade at home, and nothing to be done abroad. [illegible] four general-officers, which is a great many, and [illegible] favour on the general-officers, and I doubt not [illegible] I would not put this question.

[illegible]

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* Second son of lord viscount Avalon, and [illegible]

† See p. 707, Note.

arms; it will be hard upon the king to turn

than myself; but pray look into the matter of

general Tutmash; the duke of Schomberg, M.

men had the approbation of the house, and money given them; and not one of these but

don me, if I say, this will look ungrateful. An

borough, and col. Bellasis. Douglas, Kirk, and

king intends for general-officers this year, 1693; and if, upon the list, you find any foreigners

Sir Tho. Clarges. We are told by the honourable person, 'That one chief governor of Ireland could not redress the disorder of the

manded. I was of the Council in Ireland, in 1662 and 1663. I know, though the Army

was no complaint; but there was a contribution of provision settled; things were quiet

equally distributed; but the reason of the dis-

are told, 'We can have no general English

herds; they are private men. I have known

generals; many that have served in Portugal

inform him. It is said, by lord Ranelagh, 'You have approved of them, and given them money.' I thought such a List, as he has

without English officers; but if we are so un-

their own country; and then you shall not

an Act within an hour of passing, against Free Quarter; I know not how it slipped, by what counsel; but for quarters in private houses,

then a scheme was made, so much for the Army and Contingencies; and then nothing

but by the two Secretaries, the Council of War,

secretaries of state did not offer a commission,

of the king; but as for foreign generals, I think it is for the king's service that English Forces

Lord *Colchester.** I find the business of

ground we were to pass, which was so full of

one body to sustain another; horse and foot were mingled. I saw the attack made by Fagel;

haved himself as well as any man in the world.

troubled you. I was a colonel of foot in the

As to the question, no man is more pleased than I for English Officers to command the English

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* Sir Robert Douglas, and sir John Lanier,

norer; and in 1712, was made Master of the

Army; but I do not think that 3 or 4 years service can make a general. I wish we had men fit; but before you have them, pray do not rid yourselves of all foreign generals. I hope, when you come to the question, you will not part with all the foreign generals, before you can have some of your own to come in their places.

Col. *Godfrey.* I find gentlemen possessed with great Miscarriages, especially at the Engagement at Steenkirk. The [illegible] was so great, that, if we had not succeeded, it might have been the loss of Flanders. Other nations, as well as the king's [illegible] subjects, and particularly the Danish battalion, did behave themselves with great honour; but whether they came down early enough, may be doubted. The French poured in [illegible] dragoons upon us, that there was no standing [illegible] the greatest way was to retreat. The king was [illegible] of the ground, and we could not bring our men into any manner of line. The foreign generals are of great experience and bravery; but I can come thus far up to the question, 'That none but the king's native subjects should command the king's army for the future.'

Col. *Cornwall.* When this attack was formed, Solmes was there, with ten battalions to sustain them. Solmes said, 'That to send more men, was to slaughter more.' They received orders from Solmes, which never came near them.* [illegible] to Solmes, put it upon him. He is a man very haughty, and puts officers under such hardships, that I am sure the service will be ill done as long as he is general of the foot. He was made general at the king's coming over; he was before colonel of the guards; and I move for Talmash to be general.†

Lord *Colchester.* I think Talmash is fitter for it than Solmes; he is full as brave a man; but I was not posted so in the engagement as to know what is said of Solmes.

Col. *Godfrey.* I think there is not a better nor more deserving man than Talmash. 'Mr. Wroth came to me in a great heat and anger—Talmash desires the king to send [illegible] us.' The king ordered Mr. Wroth to go to count Solmes, who said, 'Tell count Solmes, I will not go near him.'

Sir *Tho. Clarges.* I will tell you the notice I have had of this. I was informed that the advanced party under the duke of Wirtemberg, and general M[illegible] made an attack at six o'clock, and possessed the [illegible] of the enemy's guns, and drove them from hedge to hedge, and the army was two hours [illegible]. If they had been sustained, what a glorious victory might we have had! The enemy flew before us. The duke of Ormond got there [illegible] four battalions, but being met by a superior officer, was asked, Whither he went? he said, 'To sustain his friends:' But he was stopped.

Mr. *Wharton.* I shall collect, in a few words, what has been said. Though comparisons are odious, yet, in this case, they are necessary. [illegible] that Solmes [illegible]. Ask whether the French sutlers did not begin to plunder our camp. The question is, If count Solmes did not sustain those men? the point is clear. The [illegible] having not yet named Officers, [illegible]

Mr. Comptroller *Wharton.* I will not trouble you in a thing I so little understand, as an Army. I am sorry for the comparison between Solmes and Talmash: I think only, that Talmash has served very well, and the longer you use him, the better you will like him. I wish you would lay the question aside; but I would [illegible] your countrymen, and have the question something of this kind, 'That, for the time to come, the king would be pleased to fill up the Offices of the Army, as they shall become vacant, with his own subjects.'

Mr. *Waller.* This day's debate ought to increase the good opinion of the king [illegible] English officers. I am for the question moved by Wharton, but [illegible] addition, 'Or such as have been naturalized.'

Mr. *Smith.* This will take off those who possess the king that he can do no service without foreigners. I am not fond of a favourite, [illegible] By the true friendship I have for Talmash, I would not, under the notion of a service, do him an injury; but consider, you are putting out and putting in Officers for the king. [illegible] the question in the most decent [illegible] 'That, for the future, the king would be pleased to employ no foreign general-officers.'

Col. *Cornwall.* You have all the Foot under Dutch general officers, and the cannon too. I hope they will not play foul play, but if they should, you have a scurvy business of it. Whether a general ought not to be stirring about in [illegible] and whether the [illegible] you may employ, before you form your Army.

Sir *Tho. Clarges.* I am afraid that, by this [illegible], you are making generals [illegible]. You gave Thanks to the king, and approved of them [illegible]. I hope, when the State of the War is given in, you will not find so many General-officers. I think this is only preparatory for [illegible]

[illegible] Seven thousand [illegible] the king and the question. The weightiest argument I hear is, 'That it [illegible], because the State of the War is not before you:' but that is a reason [illegible] resolution be them for ever? If we have peace, to keep

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* "Count Solmes bore the blame of the errors committed on this occasion [illegible] had been sometimes [illegible] by him [illegible] much [illegible] quarrels, but [illegible] ing manner." Burnet.

The king would not [illegible] count Solmes to his presence, [illegible] the year [illegible] of [illegible]

† General Talmash was killed the year after at the attack of Camaret-bay, near Brest.

[illegible]

officers? You are told, 'The king was mis-

[illegible]

upon.' I would know, whether the general

[illegible]

all that are in, shall be in, what is your Vote

[illegible]

for this time? If not, then they will be continued. Though I have a great honour for

[illegible]

from this time; else your address is nothing.

Sir *Edw. Seymour.* I would have all your

[illegible]

lords.

Sir *Edw. Hussey.* If that pass for an argument, 'That what we do will not be accept-

[illegible]

Mr. *Hampden.* I easily guessed, that you

[illegible]

casioned this heat (I know what a gueg is). If

[illegible]

nearly related to the king. For such a person to have a brand upon him! I move, That you

[illegible]

Sir *Edw. Hussey.* I desire to explain myself. I meant not Hampden; but if he be

[illegible]

The question was put, "That the king be

[illegible]

Mr. *Harley.* I find, gentlemen have showed

[illegible]

the Army. I would make this distinction in

[illegible]

Mr. *Foley.* It is a great prejudice, that

[illegible]

liberty by Habeas Corpus, that a foreign Officer should set guards upon them, has given

[illegible]

army; orders were given in Dutch, and French,

[illegible]

the victory this year. I would prevent them

[illegible]

neither language. I stand up for the question.

[illegible]

summer.' The fault was in the general-officers,

[illegible]

Col. *Granville.* Till the French king had

[illegible]

foreign hands; and the descent in the French-

[illegible]

Talmash, whom I honour much, has a fair rise,

[illegible]

I hope the king will consider all we have said,

[illegible]

went into a grand committee; on that part of

[illegible]

Convoy.

Sir *Tho. Clarges.* The king's Speech asks

[illegible]

dition we are now in; if we know not that, if

[illegible]

never be able to preserve ourselves, or support

[illegible]

ther by unskilful management or treachery.

[illegible]

it, we were strong. The French covered all

[illegible]

over England, is a certain sign we are impoverished; twenty in a company. The last year, we had a victory at sea; the king rejoiced at it, and so did we; but we are unfor-

[illegible]

the Journal

[illegible] they? By the method we have taken, I fear [illegible] naturally you should strengthen the sea; yet [illegible] draw all the strength of France, where he is [illegible] ruin England. It is too memorable to be forgot, the ill success we had at Steenkirk; and our countrymen might have had a glorious victory if they had been seconded. There is no diminution by ill success, but attempting things improbable ruins us. There must be some unskilfulness in councils, and, in the king's absence, no advice but must come from the king first. The strength of the nation is the commonalty, and I doubt not but the king will take the commons advice. I should be glad to hear some wiser than I speak their judgments in this condition we are in, to advise something to relieve us.

Captain *Mordaunt*. I know no Great Council [illegible] Privy Council, without a private Cabal. Most of those [illegible] continued in places of trust and profit. I hope they will take care to chuse us better—Those allies we have, must either come sooner into the field or when they come there, do better. One advice that I desire you to give the king is, that the army be better paid; though I mix my interest with your advice. It is hard that we should pay for our heads at home, and not be paid for venturing our lives abroad.* We have but a foul prospect abroad, if not better [illegible] foreigners to carry on a foreign war. I would have all those worthy foreign generals returned, [illegible]

Mr. [illegible] advice, is it because he sees great necessity for it. I doubt not but the king sees that private men, called a Cabal, have led him into some errors, and calls for your Advice: which is the [illegible] tion has been in a great measure opened. I [illegible] least, and I hope we shall stick to them, and [illegible] abroad, is so tender a thing, that I would not advise it. If the confederates are lost, I think [illegible] money, or hearts to give, but the great fault is, the En- [illegible] we grow less and less, and must not destroy ourselves and posterity. I honour those gen- [illegible] there should be an equal number in the Admiralty of gentlemen bred at sea; and I desire one part of the Advice may be, 'That the [illegible] equal number mixed.' For the Civil Government the council is the soul of all. You have had one secretary of state, and it cannot be denied, but that is too great a load for one [illegible] might be a curb to the other. The matter of Government lies there. The man in that go- [illegible] of getting secret intelligence; those managed by them must be rewarded, and well chosen. [illegible] telligence will starve. The next quality in a Secretary of State [illegible] courage and [illegible] for the cause, [illegible] hazard [illegible] and fortune for the [illegible] government, and [illegible] great enemies to oppose in such a government, [illegible] any other notion none can be distinguished—Suppose, not well affected to the Government—There are no Books or Records to be seen, and you cannot punish them, because you have no light into their actions—I move, 'That a part [illegible] advice, or their dissent.' These are some of the chief Heads of your Advice, I believe, that [illegible] particularly that of London—I hope no gentleman will attribute what I have said to any thing of party. I would have but one distinction made; that is, who is for this Government, and who against it—Not to have this Lieutenancy [illegible] in it, and so unfit, that I doubt, if it should come to a push, you would be foiled. One thing also troubles me much. I think that unhappy division worthy your notice. I mean that [illegible]

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* "Upon the earl of Marlborough's disgrace, [illegible]

When things are gone so high, it becomes your [illegible]

you vote, 'That it is the judgment of this Com- [illegible]

[illegible] peace, like a prudent woman, and a good wife, [illegible] be taken; I hope for the future you will take care of it.

Mr. *Harley.* I cannot pretend to add to [illegible] in there. The Sea must be our first care, or [illegible] had a glorious victory at sea; though we [illegible] ward 3, had the greatest advantage in his inva- [illegible] the sword be drawn amongst us. The pretence of a descent into France has been a topic used to get money from you. I am sorry to be told, [illegible] not followed? I hope the king will not consult [illegible]

Mr. *Waller.* I move, That you would take [illegible] trusted, of skill and fidelity.

[illegible] others who pressed the queen to pass it over: [illegible] consequences of such a breach; and the matter [illegible] natured joy, and a secret spiteful diversion."

Mr. *Smith.* I shall speak only to the Sea. No man but will allow that it has been ill ma- [illegible]

Commissions to the Admiral, and he is to have Instructions elsewhere. I would enquire how [illegible] solved by a Council of War to be impracticable, [illegible] ships that were foul to lie in, and no orders to [illegible]

The Salvage paid into the Admiralty. I move, [illegible]

[illegible] speak on this subject, being one of the Commissioners of the Admiralty. I have always [illegible] Report, and let the Admiralty answer it.

[illegible] account of the Report. Since I am up, I will [illegible] since unsuccessfulness is the natural product of unskilfulness. The work is too great for the [illegible] cause that to be unsuccessful? The fault was not at sea, it must be here; we were never [illegible] be still trusted. I have all respect for the Com- [illegible] should be glad that trust was put into the hands of those that have experience. I believe they think not themselves skilful admirals; it seems the government does not think so, for the Fleet [illegible] fit. If they must not be trusted with orders, I think them not fit for this great affair.

Lor[illegible] [illegible] ground of the question is, the Report made from the Committee. I may say that report was [illegible] that report. A great part of your losses pro-[illegible] this ought to have been maturely examined, when, where, and how lost. Unless you have ships for cruising, let who will be admirals, it [illegible] required in a Chairman as well as an Admiral.

Col. *Granville.* I appeal to the gentlemen of the committee, if one third part of those ships foundered at sea, as is said? Alderman Berry [illegible] said, 'If one ship in three escaped, they were gainers.' But sir Robert Rich said, 'He was of another opinion.'

Mr. *Smith.* I do acknowledge, lord Falkland [illegible] ships enough to cruise—But the Dover frigate lay a fortnight without orders for cruising

Sir *Tho. Clarges.* I never saw the like upon this occasion. You ordered a Report, that was [illegible] time in arraigning that Report, and the house. I think it very extraordinary, after the Report [illegible] arraigned, and to put you from your business. [illegible] prints, there is not a week but you have news [illegible] This of lord Falkland is but a little matter of [illegible] ers to set out 50 ships and 17,000 men; if so, we have [illegible] make convoys. I was in hopes we had suffici[illegible]

Sir *Edw. Seymour.* I did easily foresee that a debate of so large a field would be a long one. I would be tender how I enter into [illegible] of the Admiralty. As for the first, it cannot be attributed to an Englishman; for the latter, I am sorry it is so great, to the ruin of them[illegible] if once you shake that part of alliances, they [illegible] will be worse than the alliances. I agree, it is for the interest of England, and its security, to be found only in the Fleet; but this I agree by the way, if you are at the charge of a fleet only from Spithead to the Land's End, you will have a very ill account of the war. If you [illegible] tations. Before you advance any judgment, or [illegible] That the Admiralty is not trusted, is a mistake; they are as much trusted as ever any. [illegible] ralty. [illegible] Whether there has been any neglect in securing of Trade? Then [illegible] prevented by them, they are not in fault; mer[illegible] gainers if one or two come safe home. [illegible] I do affirm, that you have not ships [illegible] would be strange to turn them out.

Sir *Tho. Clarges.* I would not have the house misled. It is said, 'you have no convenient ports.' But at Brest, and St. Malo's, [illegible] and tear you gave for ships, would have built [illegible] formerly was given for Ships; the Customs ought to be for that. The first Money was [illegible] many ships in so short a time. To have such [illegible] fortunate. I think it reasonable, under such [illegible] Admiralty; but I would go through all. I think the charge of so great a fleet, though very wise and gallant, too great for one man. The [illegible] thing we light of.

[illegible] give me leave, [illegible] would have me. If I show there is no fault at all in the Admiralty, I take off all that has [illegible] at the Committee; there was no proof, no names of ships, no places, &c. The insurers [illegible]

[illegible] the question, that may give the house occasion to repent afterwards. It is said, 'Ships [illegible] surance have 40 per cent. if the ship [illegible] taken. I hope some remedy may be provided for this.

[illegible] that the only person of experience [illegible]

Sir *Tho. Clarges.* Th[illegible]

Mr. *Finch.* I have heard of complaints, and I wish things better managed; but when I give judgment, I must see that these Miscar-[illegible] Adm[illegible], I am not able to deter[illegible]

[illegible] sons. I can neither condemn nor justify the [illegible] their profit, and this, it is said, comes from the [illegible] seven men and a boy, when they came home, demanded their reward, and had it declared in the Admiralty; but the owners were so far from allowing it, that they moved for a prohibition: it was wondered at; but being en- [illegible]

Col. *Churchill.* Some men are employed in the fleet, not seamen; as capt. Warren, con- [illegible] he lost a ship of 50 guns. We have Brewers [illegible]

Sir *Robert Rich.* If I had put a man into the Fleet in command, not a seaman, I were not fit to sit in the Admiralty; but, as to what is said of taking men upon trust, I know not [illegible] I know not that he was a brewer's clerk, but he married a brewer's widow. He submitted [illegible] testified; but the hurt is not here: till you [illegible] Fleet will never be in a better condition

Col. *Churchill.* Since Rich has mentioned taking Convoy-Money, I hope some will be punished for Mismanagement, as others have [illegible]

Mr. Attorney *Somers.* As the question is worded, I cannot come up to it. If the question be, 'to constitute persons skilful in mari- [illegible]

Admiral *Russel.* I am so sensible that I [illegible] you, that I shall not offer at any. That there [illegible] of; whether provision has been made to secure [illegible] so well understand the business of the Admi- [illegible] man said of the Merchants losses, I should [illegible] ved to constitute Commissioners of the Ad- [illegible]

Nov. 23. The house again went into a [illegible]

Mr. *Foley.* The Admiralty and Navy; [illegible] When we entered into the war, all agreed that [illegible] a Stadt-holder with power. That which encouraged us to enter into the war was, that our [illegible] im, in four years time we might have brought [illegible] except ourselves, trade with him. We have [illegible] What have your Allies done for you? Have not [illegible] him! This year you had a Fight, and he attacked you with half his ships; you beat him; and what fruit had you of this victory? His forts are strong, and there is no way but a de- [illegible] you, and trade with the French. What I am most afraid of is, that instead of a descent upon him, he will threaten a descent upon you. [illegible] will do you no good; and the sea whatever army you have there, must follow the fate of [illegible] courage the French king to make a descent. [illegible] being upon one bottom. I hope we may find some way to secure ourselves. It is said, [illegible] skill.' You are the best judges of that; but as [illegible] bring in the French king; but your orders may [illegible] but by the event: But the French king can take his measures; he knows who are treacher- [illegible] have had a great loss by the Smyrna fleet being ordered to come to Ireland *; but, I observe [illegible] orders went out. They sent word, 'that the [illegible] Though the fleet, in pursuit, was not wind-bound, it was order-bound. I know not why they were not at liberty to pursue their victory. [illegible] we should have no notice, and not half forces enough left for our security; I desire you to [illegible] had very few forces left, yet there were great complaints of free-quarter, this summer, on [illegible] Another thing I shall mention; men discharged [illegible] afterwards guards put upon them. A great [illegible] might fly higher to take off heads. But I move you to come to this Resolution, 'That the great Affairs of the Government, [illegible] past, have been unsuccessfully managed; and [illegible] ploy men of known integrity and fidelity.'

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* Churchill had been sent to the Tower for this offence. See p. 413.

† This Vote, being in the Committee, is not [illegible]

* [illegible]

Sir *Wm. Strickland.* I cannot tell where it is we are [illegible] this cannot be while we have a Cabinet-Council.

Mr. *Waller.* 'Cabinet-Council' is not a word to be found [illegible] knew it not before; we took it for a nick-name. [illegible] have a distinction made of the 'Cabinet' and 'Privy-Council.' It has had this effect in the country, and must have, that, in the country, the justices of the peace, and deputy-lieutenants, will be afraid to act; they will say, 'they cannot go on;' and why? Because several of them [illegible] not willing to act; they know not who will stand by them; and are loth to make discoveries [illegible] whom must any gentleman apply? Must he ask, 'Who is a Cabinet-Counsellor?' This creates mistrust in the people. I am sure, these [illegible] is what I have met with this summer; and therefore I second the motion.

Sir *Rd. Temple.* All governments reduce their Council to a few: Holland does; and the French [illegible]

Mr. *Waller.* We have reduced our Secretaries [illegible] was, 'That the king be advised, that all matters of state be advised on in the Privy-Council; and that the management of them by a Cabal is dangerous.'

Sir *John Lowther.* I would willingly sit down, if I did not think the honour of the house, and our safety, concerned in the question. [illegible] have heard foreign ministers say, 'That it is better for their affairs in England than any where else, because once a year the parliament sits; and, without the charge of intelligence, [illegible] mination of sir Edmundbury Godfrey's Murder?* Of this Committee of Council I am one. I had rather be at home. Consider your own honour, and do what you please.

Mr. *Clarke.* I doubt whether this Advice is practicable, in the way it is laid down. It [illegible] Ireland to the Thames, and all for that great undertaking.

Mr. [illegible] persons, for taking too much upon them. Two things plainly have been faulty; want of intelligence, [illegible] We took our orders in a French ship, before [illegible] come to nothing. I am of this opinion, that the unsuccessfulness of the descent was for [illegible] come before you. This debate is not properly before you now; for, after it was reported, it was not referred to your consideration; but [illegible] I shall only observe, that, as the question stands on your paper, nobody can give an affirmative [illegible]

Mr. [illegible] Some, by the advices they gave king James, were a means [illegible] same thing is doing now. The day the king [illegible] a Speech went about, that did burlesque it, [illegible] 'That he could not enumerate all,—for they were numerous.' I know it well, that the [illegible] off for France.' I did myself acquaint the queen, on the 14th of May, 'That the French were not gone out of the channel.' I believe the Cabinet Council were called, and ordered [illegible] the Descent. The enemy was upon you, before you knew of it. I saw a messenger, at the secretary's office, sit grumbling with another messenger, 'That it is your turn to go, and I will not go till I am paid for what I have [illegible] time, there was a Council of War in the Palamonte business, and a Council of War in the [illegible] brought up to books only, should understand armies and fleets? It is impossible that they [illegible] councils, all kings have their favourites; and I wish the king had such a secretary as Mazarine, [illegible] in the Cabinet, and then brought to the council; such a thing resolved in the cabinet, and brought and put upon them, for their assent, without [illegible] the method of England. I am credibly informed, that it has been complained of in council, [illegible] you think it convenient, I shall be of your mind; but I think this method is not for the [illegible]

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* See Vol. 4, p. [illegible]

Mr. *Foley*. I would have every counsellor [illegible] tinguished.

Resolved, "That it is the opinion of this [illegible] unsuccessfully managed by those that have had the direction thereof, under their majesties, [illegible] the like mischief for the future, by employing men of known integrity and ability."*

Debate on the Estimates for the Year 1693.] [illegible] 38,010 men, and 2,077,216*l.* 10*s.* charge. And the earl of Ranelagh delivered a List of the [illegible] dragoons, and 43,392 foot; in all 54,562 men; [illegible]

Sir *Christ. Musgrave*. I find the numbers [illegible] the last year.† I think it is not fit that copies [illegible] us go immediately into a committee, to consider [illegible] pers, to consider of them.

Mr. *Montagu*. I understand not why the [illegible] inconvenience that so long a day will produce; [illegible] world; therefore I move for Tuesday.

[illegible] not be made upon the house, I must tell you, it [illegible]

[illegible] to put is, to go on with the Supply; and on [illegible] we cannot go on with the Supply. I believe [illegible] ply. I remember that the last session, a great sum more came upon us after the Estimate was given in; therefore I move for Tuesday, &c.

[illegible] the State of the War, brought in but just now, could be considered so soon. The sum is [illegible] against what is demanded; it will expedite your [illegible]

Sir *Christ. Musgrave*. Are we reduced to such a condition, that two or three days time for consideration will ruin the nation? Why were not these Papers brought in sooner? Is it possible that we can be informed now? [illegible]

Sir *Stephen Fox*. We have nothing to live [illegible] subsistence for the Army, not for one day more; and, for the Army, it requires the utmost [illegible]

Breach of Privilege.] Nov. 26. Colonel *Churchill*. I received a summons to attend [illegible] said here, 'That some persons in the Fleet were cowards*.' I know not that I am to answer any where, for what I say here, but to the house. One of these members said, 'He wondered I should trifle with them; they had power to give me an oath.' I said, 'I would not take it, till I had the direction of the house;' and [illegible] desired a member then present to take notice of it.

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* This being in the committee, is not men- [illegible]

† The above List exceeded the List given in the former session, by 2,598 men; and yet the [illegible] were all computed at English pay; but in this [illegible] and three regiments of Dutch foot, were com- [illegible]

Colonel *Austen.* I was desired by your member to take notice, &c. I will tell you what it was. [illegible] stead, 'Whether he knew he was a coward?' He said, 'He would not give an account out of the [illegible].' But the question was, 'Whether he had not said it in other places?' It was said, 'It was in the [illegible];' but it was not insisted on at the Board. The case was this: the king was petitioned for a man's life, [illegible] for a coward. It was referred by the king to the Board. The end of enquiring of Churchil was, whether this man was fit to be pardoned; but [illegible] as to what was said [illegible].

Col. *Churchill.* I think that question was [illegible] asked me, after I had refused, and I would not take an oath, till I had the direction of the house.

Sir *Edw. Seymour.* I hardly understand the [illegible] for being a coward. I am as tender of privilege as any man, but I do not take this as a [illegible] your privilege.

Mr. *Foley.* As this is complained of, it is a great breach of the privilege of the house. Many members are officers, and if they must be called to account in another place, for what is done here, there is an end of privilege. They [illegible] house.

Mr. *Hampden.* I do not see that your member was [illegible] house; but here was a person condemned for a coward, and application was made to the king [illegible] desired from the greatest man of the kingdom, if it fall out to be a member. I do not see how privilege is concerned at all. Here is no sub[illegible].

Sir *Christ. Musgrave.* I speak to the method of proceeding. You have had an information from your member; I suppose it is upon [illegible].

Colonel *Churchill.* I take it, I was examined as a member of parliament. I said, 'I was [illegible] give me an oath, if I trifled with them;' but I [illegible].

Sir [illegible]. [illegible] are [illegible] the house of commons, but of words said without doors; and he was not interrogated to any [illegible] house.

Mr. *Goodwin Wharton.* The matter is stated [illegible] breach of privilege; which you cannot do till the parties withdraw. If they had sent for him, a commander in the Fleet, either for mat[illegible].

Lord *Falkland.* Here is a complaint; and, [illegible].

Sir *Christ. Musgrave.* I think no man ought [illegible].

Sir [illegible], whither shall this privilege extend? Here is no [illegible] been said within; where is the hurt of all this? It is only to be informed of a person.

Mr. *Clarke.* I hear some call for the Order of [illegible] so dismissed. I will conclude all to be true, if the objections are not answered.

Col. *Churchill.* I do declare, that, if the house please to pass it by, I do.

Col. *Austen.* From the beginning, I told him, 'He was not sent for, for words said in the house.' I do not say the word 'trifling,' was not said, but I must affirm I heard nothing of it; he will do me that right. I was a by-stander, and said nothing.

Col. *Churchill.* The telling of the man's [illegible] 'I would have nothing to do with the blood of [illegible].'

Sir *Robert Rich.* We had no scruple to ask [illegible] than his ship; but if it could be proved that he was a coward, he must die: and I hope the house will permit us to search into this, to [illegible].

Sir *Christ. Musgrave.* I think you should [illegible] for doctrine that a man may declare without [illegible].

Col. *Titus.* Do you think that this is a new [illegible] a reasonable thing, for the admiralty [illegible]

[illegible]

Treason to the 25th of Edw. 3. Why? To let | next.

the people see, they were secured [illegible]

[illegible]

of [illegible]. But if the matter rested [illegible] [illegible] Judges make juries go out three times upon *ignoramus*. [illegible] accused the bishop of Rochester of Treason: is it not prudent to prevent such practices? If he had succeeded, the persons must have died. I [illegible] weakened, because a copy of the Indictment must be given the prisoners. At the free Conference, the last session, I heard a great man say, 'This Bill was not a new law, but a declarative law, and not enacting a new law.' [illegible] Judges say is no law? Therefore I move 'That [illegible].'

[illegible] a great many have been committed for Treason, [illegible] have this bill to make prosecution more difficult. Were you a settled government, this bill would be more proper than now. If they think this bill will be a protection, though but imaginary, [illegible] designs against the government [illegible] be a reason for this bill, but now this looks like lessening the prerogative, as is said, but properly it lessens your strength of government. [illegible] so, but licence. As the law now stands, it cannot touch such offenders, therefore I would not weaken it more by this bill.

[illegible] prejudicial to his security; but it was the Advice of the last parliament, that, for the security of the king, such a bill was necessary; and as [illegible] bill is, that they should not extravagantly say what they will. I think this bill therefore is for the king's safety.

Mr. Comptroller *Wharton*. I am one of those that have always been for such a bill, and shall ever be. I cannot think people too easy upon their Trials. I am of opinion that those [illegible] jealousies and such cases, that I fear it impossible to [illegible] vernment; and one is, that the king has no [illegible] alter the law: But unless something be done [illegible] in a little more security, not to commence till [illegible] great man, as it was to hang lord Russel. I [illegible] blank, 'Not to commence till the end of the W[illegible].'

Col. *Granville*. I shall never countenance any thing against the government. I came into [illegible] it. I wonder that gentlemen of the Privy-Council, should complain of men riding armed, [illegible] tell you, that such a bill should pass, and no [illegible] is a contradiction. But the best time to have this bill, is when we can get it. Now we have a good prince on the throne, and no more sea[illegible] 'One witness, with circumstances, is sufficient to convict a man of Treason:' but to let men [illegible] tained, and nothing against them; and since [illegible] sonable to have such a Bill.

Sir *John Lowther*. Without a special com[illegible] to bring these men to Trial.

[illegible] those I would regard. It is said, 'Those who [illegible]

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* "This Robert Young being committed to Newgate, till he discharged a Fine imposed upon him, one Pearson, a prisoner in the same place for debt, perceiving Young to be very expert in counterfeiting hands, told him, 'That if he could contrive a Plot, and father it upon the earls of Marlborough and Salisbury, Dr. [illegible] be done in that matter, till he was released which, in a short time, was effected by a certain [illegible] of Rochester, and lord Cornbury's, which two last were written by another hand. One Blackhead went three times to the bishop of Rochester's house at Bromley in Kent, with a fictitious errand from a supposed Dr. of Divinity, [illegible] forged Association into a secret place, where it [illegible] for some days under confinement; but upon a strict examination of the whole matter [illegible]."

[illegible] reigns.' A great man was named: (I [illegible] cuted illegally, and therefore pray continue it [illegible] (which is the design of this Bill) makes it impossible that a guilty man should escape. I [illegible] stirred, urging a point of law, in lord Delamere's Trial, 'That one witness with circumstances, [illegible] what all nations concur in. It is said, 'That men ride armed, and declare the king has no [illegible] attended the answer, and it was said, 'There [illegible] these men punished? It is said, 'That men [illegible] government.' It is a hard circumstance for [illegible] ble. If circumstances be strong against a man, [illegible] have judged, 'That one witness, with pregnant circumstances, is proof against a man;' and [illegible] stances. I think this is no hardship upon the government, and therefore I am for it. I think [illegible] ship upon the government, only without it it is impossible for an innocent man to make his in[illegible]

Mr. Comptroller *Wharton*. I think that the Privy-Council are not in fault. I have an ill [illegible]

[illegible] *tive*.] Dec. 7. The house of lords having been in a committee of the whole house in order to [illegible] house of commons for a Conference, and to propose to them, that a Committee of both houses [illegible] gative: Contents 36, Not contents 48.

[illegible] above-said question was carried in the negative, [illegible] enter their Protestation in the Reasons following:—"1. Because his majesty, having parti[illegible] jesty's service; and we conceive it the easiest, [illegible] important a business transacted and prepared in a committee so chosen. 3. Because it can[illegible] present so often, though with the leave of their house, as will be necessary for a sufficient en[illegible] fit to be communicated as soon as possible; and [illegible] proper or speedy as in a committee of both houses. 5. Because in a time of such imminent [illegible] committed, the closest and strictest union of [illegible] us from all that ruin, which, we have too much cause to fear, is coming upon us. (Signed) Shrewsbury, Stamford, Monmouth, Crewe, Tor[illegible] De Longueville, Montagu, Bath, Macclesfield, [illegible]

[illegible] nobody would think it worth picking up; and [illegible] was, however, the 28th of Nov. before they could agree on the first Head; and then, as well in compliment to lord Marlborough, as to [illegible] e of his English subjects to be the commander [illegible] next step; and in that interval it occurred to [illegible] carry so vast and perplexed a business through all the forms of a numerous assembly, not only [illegible] on the same quest, if they could so contrive it, [illegible]

[illegible] letter dated December 20,† says,

"This is to acquaint you, that the lords this day desired a Conference, when they delivered [illegible] letters, or copies, to justify and vouch the [illegible] while, after which he answered, and explained [illegible] have been so, I believe, in yours. Indeed, re- [illegible] hereafter followed. I was near, and attentive, [illegible]

[illegible] of the party; against which the court opposed [illegible] Watson, bishop of St. David's. These altoge- [illegible] became masters of the field of battle; while the vanquished covered their retreat with a thundering Protest; which was signed in the first [illegible] cause bishop Burnet, speaking of this proposi- [illegible] was ready to break out into civil wars; and, [illegible] grown in a short time into a Council of State, [illegible]

tingham, and concluded with a motion 'to ad- [illegible] "The admiral having been thanked by the house for his services, and having been reflected on, or endeavoured to be so, in the [illegible] us, my motion is, 'That it is for the purpose, [illegible] courage, conduct, and fidelity.'" This was se- [illegible] Lowther said, 'I acknowledge as much the [illegible] or grateful to the admiral, but withal, I can no [illegible] zeal, pains, or fidelity, I believe, can serve the government than lord Nottingham. I move therefore, 'Not to be jealous of one another, [illegible] Peregrine Bertie, and Mr. Dalton, and, I think, [illegible] against the grain. I should have told you, that Mr Finch, with all respect and acknowledge- [illegible] question carried nem.' con. Mr. Russel stood up, and said, 'I am happy in having such a [illegible] besides the great charge of my place, I was obliged not to tread awry, for fear of the ministers, which was to me a great discourage- [illegible] He then reflected more on the earl of Nottingham; full enough. But the house took no [illegible] 'To make Report of the first Conference.'

And it was resolved, "That admiral Russel, [illegible]

Bill touching free and impartial Proceedings in Parliament.] Dec. 22. A bill passed the commons entitled, "An Act touching free and

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* About this time, Mr. John Hampden pub- [illegible] the Nation," a copy of which will be found in [illegible]

† It appears by the Journal, that Mr. An- [illegible]

[illegible] Vane did a thing of this kind in Cromwell's [illegible] wealth, and desired he might have a convenient [illegible] for such occasions as could not wait the delays and method of parliaments; it was the people's interest [illegible] revenue, for having so much of his own, he might lie the less heavy upon them: Yet the [illegible]

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* "The same unwarrantable inclination to [illegible] of a more modern phrase) which the mal[illegible] majority of that house were under a corrupt [illegible] the court and the members in that corruption, [illegible] they could carry nothing in either house, then [illegible] present parliament, to force a dissolution; and [illegible] name of an ill sound; and, whereas king Charles's Long Parliament was called the 'Pensioner Parliament,' they called this the 'Of[illegible] commands in the army were of it: and the [illegible] ing Army' and a 'Standing Parliament.' They tried to carry a Bill, that rendered all [illegible] of Places of Trust or Profit; so that every member that accepted a place, should be ex[illegible] ready to flatter, as before to find fault. This gave a specious colour to those who charged [illegible] lordship) was set on, it went through the house of commons with little or no difficulty: those who were in places, had not strength and credit to make great opposition to it, they being [illegible] parties: and those who had no places, had not [illegible] have looked as an art to recommend themselves to one. So the Bill passed in the commons; but it was rejected by the lords, since it seemed to establish an opposition between [illegible] be said concerning it. It was called, 'A Bill [illegible] members for Lincoln; and it was founded on [illegible] the reign of Charles 2, when a corrupt influence [illegible] prehended: so much tenderness was, however, [illegible] a new Parliament." Ralph.

revenue in a few years, devouring not only the [illegible] liberality; and, as I humbly conceive, contrary [illegible] certainly that salary may suffice a man that has an estate of his own already, and is as much [illegible]

Sir *Charles Sedley**. "I believe, Mr Speaker, when we come to consider of it, we shall find that it is convenient, not only to lessen the Officers of the Court, and State, in point of profit, [illegible] three of the Post-Office, six of the Customs; I [illegible] well. But when I consider all these, or most of [illegible] over; for though it may be a dispute, whether [illegible] their seat in parliament, which require attendance in several places, and abilities of divers natures [illegible] Sir, we are called by the king, and sent up by the people, and ought to regard no interests but theirs; which, as I told you before, are always [illegible] profits, salaries and fees of their places, that exceed 800*l.* per annum, to the War; thus will the public charge lie easier upon the people, [illegible] deared to them. What is necessary we shall [illegible] we give, and the Army paid. This offer, sir, as I remember, began when an observation was [illegible] great part of the king's Revenue remained in the hands of the Receivers; to which a worthy [illegible] liament, and stood upon their privileges. To [illegible] to remedy the like for the future, we were [illegible] liament should be a Receiver of the king's Revenue [illegible] profit, that they were willing to resign all their [illegible] toward the next year's Charge. This, if really intended, was very generous: but [illegible] ous; nor could a greater abuse be offered to the house, for we proceeded so far as to vote [illegible] our Votes will think strangely of it, if, after all those preparations, we do nothing in it, and suffer ourselves to be thus gulled: but I hope [illegible] so solemn a debate."

[illegible] Proceedings in Parliament, was sent up from the commons, in which several persons in Em[illegible] lords that stood up for the court; though on the other [illegible] for it, and among the rest the earl of Mulgrave; [illegible] memorable speech:

"My lords; This debate is of so great consequence that I resolved to be silent, and ra[illegible] to shew my own want of it; besides it is of so nice a nature, that I, who speak always unpre[illegible] cerned. I have always heard, I have always read, that foreign nations, and all this part of the [illegible] the king's power, here is a house of lords to advise him on all important occasions, about peace or war, about all things that may con[illegible] the generality of the people, nor so constantly in the country as is necessary for that purpose, here is a house of commons also chosen by the [illegible] them, or should be so, to represent all their [illegible] nation, and to dispose of their Money, at least so far as to begin all bills of that nature; and, if I am not mistaken, the very writ for elections sent down to the sheriffs does empower them to chuse; What? Their Representatives.—Now, my lords, I beseech you to consider the meaning of that word, Representatives; Is it [illegible] it would be absurd to propose it: And yet how can it be otherwise, if they, after being chosen, [illegible] great trust reposed in them? And that I will

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* [illegible]

the house of lords, yet we need not be so over careful of the matter: but there are noblemen [illegible] [illegible] over others, and serve a present turn perhaps, [illegible] quite mastered, and the nobility themselves too, [illegible] [illegible] some had 10,000 pistoles a year in Employments [illegible] [illegible] and this I have observed universally, excepting just M. de Louvoy, M. Colbert, or such people, because they were the ministers themselves [illegible] by [illegible] oppression [illegible] My lords, this country [illegible] very apt to be [illegible] we have had a late experience of it: and though there is no wise man but would bear a great deal rather than make a bustle, yet really the people think otherwise, and, at any time, would change a present uneasiness for any other condition, though a worse; we have known it so to [illegible] —Let them not have this new provocation, in being debarred from a security in their Representatives; for malicious people will not fail to [illegible] [illegible] [illegible] fair a manner as ought to be: and I am afraid they will say, their money is not given but taken. —However, whatever success this Bill may have, [illegible] for if it passes, it will give us security; if it be obstructed, it will give us warning."

Protest thereon.] The courtiers however [illegible] Contents 42, Proxies 3 [illegible] [illegible] Proxies 7 [illegible] the

their party took encouragement from [illegible] [illegible] [illegible] which they allowed would be a very great Grievance, [illegible] quent calling and meeting of parliaments, [illegible] the 21st. [illegible] [illegible] long as the War lasted, refused his Assent to this Bill, although the lords had agreed [illegible] Amendments made to it by the commons. We must not, however, forget that Jan. the 3d [illegible] [illegible] Protest:

"Because the principal Objection made to this Bill [illegible] great danger [illegible] [illegible] [illegible] Parliament, which [illegible] [illegible] and humbly conceive, his majesty will never [illegible] [illegible] of election to frequent [illegible] many ways inconsistent with the good of this [illegible] because we are not only [illegible] [illegible] (though we are loath to enlarge upon so tender a subject), but have good reason to believe the [illegible] [illegible] [illegible] without having been fully satisfied in the reasons [illegible] [illegible] just and wise a Provision. (Signed). Warrington, Thanet, De Longueville, [illegible] [illegible] Rivers, Vaughan, Sandwich, Clifforde, Stamford, J. Arundell, Mulgrave, Marlborough, [illegible] Carnarvon, Aylesbury, [illegible]"

*Debate on advising the King respecting the Admiralty.**] Jan. 10. Sir F. Winnington reported the several Resolutions agreed to by the Committee, To the first Resolve, viz.

That the king be advised to [illegible] Admiralty [illegible] persons of known [illegible] [illegible] [illegible] Admiralty, and [illegible] for it,

Sir *John Lowther.* The Hollanders, in [illegible] [illegible] [illegible] and yet nothing is objected against their Admiralty. [illegible] [illegible] charged.

Sir *Robert Cotton.* The Miscarriage of our

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* "The earl of Mulgrave, who had more distinguished himself by his eloquence in this [illegible] Speech, which was every where received as if it had been a new Revelation." Ralph.

"The Bill was ordered up to the lords on the [illegible] [illegible] tion was made by the malcontents for committing [illegible] courtiers to over-rule it, the former carried their point by a majority of 9 voices; nor was this all; for in the committee they were still triumphant: and even on the report, when the [illegible] present, 42 were for the Bill, and only 40 [illegible] Proxies, [illegible] opposite lords but 3: difference upon the whole, [illegible] [illegible] esteem such a division as this, an escape, rather than a victory; and surely this was one of the narrowest that ever befel any ministry whatever [illegible] most [illegible] [illegible] [illegible] [illegible] Ralph.

* [illegible] Mr. Anchitel Grey [illegible]

Mr. Howe. I think the fault not in the

for a hurt in the leg, to lay a plaister to the

our cost, I would not lose their service, for

Sir Tho. Littleton. I am of opinion that

and my government?' I think those gentlemen

earlier, nor better provided, than ours the last

beaten, and faults there really were; but now

Sir John Guise. I have nothing to object

came from the committee mentioned, 'That

Col. Granville. I must lay before the house

wall, last year: 40 sail were lost on that coast,

Sir Christ. Musgrave. I cannot agree 'That

Admiralty. Some, in their behalf, said, 'They

Fleet; but I say, they have the same power

go to the Secretary's Office. I am for advising

for such advice will injure no man of experience.

Col. Churchill. Those that serve in the

the great ships stay out too long, and the

others; which havens were the proper ones for

the king's Proclamation: which promised that

Sir Robert Rich recriminated on the offi-

them.

two; which the house yielded to.

affairs." The 2nd, "That all Orders for the

A Bill for frequent Parliaments brought into

of lords went into a grand committee upon

a parliament should meet every year, and that there should be a new one every three years,

missioners of the great seal should do it by

Parliament should determine; some proposing

Jan. 18. The lords in a committee of the

there should be a new Parliament every three years, and meet every year; and that the pre-

[illegible]

by so great a majority, that the house d[illegible] s consequence to their majesties, to [illegible]

[illegible]

[illegible] e subjected to [*frequent Parliaments* †.] Jan. 28. An in- [illegible]

[illegible]

[illegible] read the first time. The Bill, first se[illegible] forth, 'That a Parliament shall be holden once every year: next, that a new one shall [illegible] tion of the former parliament: And, lastly, that a period shall be put to the present Parlia[illegible]

Mr. *Goldwell.* I can never give my consent [illegible] lords, that it should be put upon us to dissolve [illegible] offended at the Supply we have given for our necessary support and being? The lords have [illegible] ing the judicature of Westminster-Hall. The dissolution of this present parliament is, to re[illegible] parliament; but to put it into the lord-lieutenants to pack a parliament. The lords assume much in dissolving the commons; a prerogative only of the king! It is ill timed, as well as ill designed.

Sir *Charles Sedley* *. That the bill passed [illegible] posed to their diminution, it would find as easy a passage in this house: How fond were we of [illegible] remember we lost a very good bill by attemp[illegible] their own for the public benefit; there is n[illegible] hereafter sit above three years: they woul[illegible] of their own must be shaken. It is urged, [illegible] others say; and they ought to have a power [illegible] nature of the trust reposed in us, or are corrupted to a court-interest, that they are any [illegible] rity; and therefore be it enacted, a new Par[illegible] Truly I cannot see any security for the people against an ill parliament in this Act; for a cor[illegible] in three years, as well as in thirty: for admi[illegible] lords will be still the same in interest, if not [illegible] disease incurable. But men will say, it is better [illegible] to be answered: But we ought to have so [illegible] and to give him a little latitude in the calling and dissolving part; so as not to tie him strict[illegible] enough to enter our complaint: But, say some [illegible] posed prince in order. Truly I do not see it provides against any thing, but that an ill prince [illegible] lament; but he may do it by a triennial one, whenever he and they can agree about it; nor [illegible] though this act pass; and even triennial parliaments cannot give us a certain remedy, in [illegible] perty; for it is the king that must appoint [illegible] sons of chusing the same, and I question not [illegible] means approve of this bill at this time: But [illegible] prerogative of a king, never such an indignity [illegible] have done, and then what is got by a new par[illegible] what disorders may follow.

Sir *Joseph Tredenham.* I am for rejection [illegible] king's prerogative, and the calling and dissolv[illegible] son; the lords having passed their judgments on this present parliament; though they have [illegible]

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* Sedley's Works, vol. ii.

[illegible] for the Bill, but find none. Nobody doubts, [illegible] a law already that a parliament be every three years; so that the whole intent of this is the [illegible] will take off the dependency of the people on [illegible] the people? Whenever the lords set up a [illegible] to be suspected; since this bill is against the [illegible]

Mr. *Finch.* I am against the bill. The [illegible] relating to money; but I confess, this cannot [illegible] is not such a bill as is law already. By a law [illegible] should be; and the best exposition of the law [illegible] ple. Though the Pension-Parliament, as it [illegible]

[illegible] ing a thing that strikes at your very constitution. Their rights of sitting are certain. Considering what we have done, it is to our disadvantage [illegible] solved; as if there were some secret reason for [illegible] regulated in their sitting, it would be much more reasonable to accept this bill.

Sir *Richard Temple.* I have ever been for Triennial Parliaments; yet this bill is the most [illegible] other laws, this is designed for something else, plainly to end this house. It is directly against the king's prerogative of dissolution; and I [illegible] a ferment, in a time of war; and I doubt this is [illegible]

For the Bill.

Mr. *Pelham.* I am sorry to see gentlemen [illegible] parliament. The objections have been three against it; 1. [illegible]

[illegible] they rejected a bill from this house much to [illegible] ple of England. A present member of this house, a member also of the Pensioner-Parlia- [illegible] if a burden, so likewise.

Mr. *Hutchinson.* I hope the lords sent down [illegible]

Mr. *Herbert**. I am not of opinion that it [illegible] parliament, I had rather have a Standing Army, than a Standing Parliament.

[illegible] est mischiefs to this kingdom are, either to [illegible] writs for calling a parliament, which he had [illegible] esteemed a well-officered parliament, and I [illegible] a Bill will make men not spend money to be [illegible]

Mr. *Harley* arraigned the lords for sending [illegible] The Bill is a plausible panegyrick on this parliament, for its funeral oration; yet, notwithstanding, I am for the bill. Such remedies, to [illegible] is grown a little old another hath been made. [illegible]

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* A hearty promoter of the Revolution; go- [illegible] in consideration of those services, he was [illegible] Trade, and died in 1708.

[illegible]

leges.

[illegible]

reat Corruption.

[illegible]

accepted from us a Bill to disable the Popish [illegible]

Colonel *Granville.* Whereas we are told, [illegible]

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* See vol. iii. p. 355. † See p. 483

Mountfort the player,* the lord president being [illegible] the witnesses, which lasted till five in the afternoon, [illegible] house, and, after some debate, adjourned the court till the next morning, and set a fine of [illegible] Newport, lord Lovelace, and lord Leigh, for [illegible] their being faint and quite spent with so long [illegible]

[illegible] night without going down to the court in Westminster [illegible] that it was resolved, That every peer might ask [illegible] pleased as to points of law; and then they adjourned till the 3rd.

Feb. 3. The lords met in their own house, [illegible] of the Judges; and about four in the afternoon [illegible] several questions were asked the Judges in presence of lord Mohun the prisoner; after which their lordships returned to their own house, to debate thereupon; and about nine [illegible]

[illegible]

Against the Commitment.

Sir *Charles Sedley*.‖ The long parliament [illegible]

[illegible] that religion: then there was a change indeed; [illegible] our interest abroad; he is an utter enemy to France; he is a good Protestant: we are ready with our purses to support him in the [illegible] we are honest in the main, and I cannot see the nation can be in better hands; however, [illegible] liament, and not pull on ourselves a violent, and, I think, an ignominious death, by an act of the legislative power for our extinction. The [illegible] act of parliament; for they had obtained an [illegible] annulled but by an act for their dissolution; [illegible] spoke before me, I am against this bill at this time. It is said other gentlemen have a right and a just expectation of sitting in this house in their turns, as well as we that are now here, [illegible] but that argument supposes this parliament [illegible] time, which I can no ways admit of: we are [illegible] against the bill, as those who are for it; but [illegible] ordinary act of the king's prerogative, or such occasions, than extort them by a written law which may be of too stiff a temper to bend or [illegible] liament a session longer than the law allows very advantageous, if not altogether necessary. I should have liked this bill better if it had begun in our own house; then it had been a self-denying bill indeed; but now it looks like a surprise upon us from the lords, and brings [illegible]

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[*] See State Trials, A.D. 1692-3.

[†] "In the beginning of Feb. 1692-3, the lord Mohun was indicted for the Murder of W[illegible] M[illegible] [illegible] rakish officer had made lewd addresses to Mrs. B[illegible] [illegible] dered. The lord Mohun, being present when [illegible] for it before his peers in Westminster-hall, [illegible] lord high-steward. After a trial of several days [illegible]

[‖] [illegible]

[illegible] this house; they have frequently rejected or [illegible] Proceedings in Parliament, &c.! I think, therefore, they have no zeal for the good of this [illegible] The bill doth certainly intrench upon the prerogative, and every true Englishman ought to keep the true balance. I am amazed that the [illegible] bill. I have read of 'indoctum parliamentum,' and of 'benedictum parliamentum,' but we, [illegible] be 'stultum parliamentum.'

Sir *John Lowther.* Such a law as this, in [illegible] It was ever esteemed the greatest prerogative, to call and dissolve parliaments; and, though [illegible] it is when the people will. It is plain, the lords [illegible] and they would recommend themselves by such a law and provision. We have a good king on [illegible] happy in our ancient way and constitution

Sir *Orlando Gee.* I was for the bill at first, because it had a plausible title, and I would not give offence to the lords; but I doubt it will be an invasion on the prerogative. I would [illegible] people theirs. What we aim at by this Bill, [illegible] decent. I would have the house humbly address, 'That an end may be put to this Parlia- [illegible] liaments, and now you do it for him *gratis.* [illegible] conclude to have an Address, &c.

Sir *Edw. Seymour.* I waited to hear if gen- [illegible] being, I must oppose the bill. I will not mention what was said in a former debate. I am no prerogative-man; that is, to set up prero- [illegible] 'I called you hither to assist me, not to take away my prerogative.'* The prerogative is as [illegible] them. You have brought the crown into a War; it is just now under the difficulties [illegible]

[illegible]

For the Bill.

Sir *Wm. Strickland.* I think more charitably of the lords intentions. I would know, if a person do any of us a real kindness, whe- [illegible] tentions? Frequent parliaments will be much [illegible] time, when the laws for annual parliaments [illegible] Parliament was by long sitting. I think none [illegible] being chosen again, and others also that are unwilling to spend money.

[illegible] 'The argument of prerogative, and the advantage we shall give to our enemies by this bill,' are [illegible] We are told, 'That, by this bill, our credit will be lessened.' I do aver, that persons without [illegible] It is said, 'It will weaken our Alliances:' it is [illegible] with neglect of ourselves. I think that this bill makes us more united among ourselves. [illegible] called. Lord Coke says, 'Before the conquest, a parliament was held twice in a year, and in Edw. 3's time, once a year, and this to [illegible] I hope to behave myself so well as to be again [illegible]

Mr. *Brockman.* I would propose an Amendment; for, as the bill is drawn, a parliament [illegible] this should be thought to intrench upon the [illegible] a new parliament. It is better for the king to [illegible] excepting the present ministry.

Sir *John Morton.* If I had thought the bill against the prerogative, I should be for casting it out, for the government hath deserved better of us than the late ones, which were for cutting our throats.

Lord *Castleton.* Second thoughts are esteemed best, but it is not so in sir Orlando Gee.

Mr. *Goodwin Wharton.* I believe the bill not designed ill by the lords. I am sorry that [illegible] I believe they thought not ill of this house, for only a good house will consent to such a bill. I have no distrust of the king, but would have [illegible]

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* See vol. i.

[illegible] tremes; parliaments not too long, and parliaments not too frequent. I think that freedom may be used here, and, I think, that those [illegible]

Mr. *Foley.* Some have objected, what all [illegible] 'The Pensioner Parliament.' What rights of [illegible] were perpetuated. I think it very fit, that, if [illegible]

[illegible] law. It is objected, 'That it came from the lords.' A good thing sometimes may come. I [illegible] our enemies. We are told; 'This is not a proper time,' but I think, that in so good a reign, such a good law is to be gained.

Mr. [illegible] the bill is only declarative of the ancient law; [illegible] sent sanction of a law. In Edw. 3's time, the [illegible] satisfied; insomuch that the king called one, [illegible] parliament, told them, 'That the king called [illegible] annual Act intended a new parliament every year, not a triennial sitting. A parliament that sits long, cannot be a true representative of the people of England; as in 1640, and 1660. [illegible] In a former debate on this Bill, the persons [illegible] bill. I am for having a new parliament, that [illegible]

The Bill was ordered to be committed. The [illegible]

[illegible] following from sir W. A. relating to the same debate.

"Pretty were the tricks in putting questions, but prevented by the care of the house. It was objected, 'That this was a good house, and that a dissolution would [illegible] its continuance.' Col. Titus said, 'Manna, [illegible] laws for frequent parliaments already. I answer, [illegible] the house."

[illegible] people; which we conceive hath been occa[illegible] granting Protections to the Irish papists, whereby protestants are hindered from their legal [illegible]

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* [illegible]

* "This bill, by which it was enacted, that [illegible] within a limited time, was brought in, when [illegible] a bill from the lords dissolving a parliament, [illegible] mons; but they also passed it, and fixed their [illegible] sion ended in ill humour. The rejecting a bill, [illegible]

[illegible] town thereupon surrendered, hath been a very [illegible] a weakening to the English interest there. Hav[illegible] all humble submission to your great wisdom, [illegible] before the commons in parliament; to the end, [illegible] quired into. That no Outlawries of any rebels [illegible] Irish papist, to stop the course of justice. And [illegible] they had forfeited by their rebellion; we most [illegible] quired into; to the end it may appear by what means the said Articles were so engaged; and [illegible] these matters in all humility before you; and [illegible] vour to that of Ireland; in the safety and preservation whereof, this your majesty's kingdom [illegible]

[illegible] majesty returned this Answer: "Gentlemen, I shall always have great consideration of what [illegible]

[illegible]

"My lords and gentlemen; The large Supplies [illegible] I take this occasion with great willingness, to return my hearty thanks to you: and I assure [illegible] and interest of England. I must recommend [illegible] counties to which you are now returning; and [illegible] fectually levied, but with the greatest equality [illegible] presence abroad; but I shall take care to leave such a number of troops here, as may be sufficient for the security of the kingdom against any attempts of our enemies.—I shall add no [illegible]

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* "By these proceedings it was plain, that an ill humour prevailed in both houses; and [illegible] Dutch. Their proposition for a committee of [illegible] as had never been offered, but when the nation [illegible] committee, when once begun, would have [illegible] there lay a heavy discount on tallies; so that above a fourth part was in some of them to be discounted. However, after their complaints [illegible] and their voting some heads of an Address relating to these matters, the commons, by a se[illegible] not like to be seconded by the commons."

[illegible]

more, but that as I shall continue to expose [illegible]
[illegible]
[illegible]
[illegible]
[illegible]

And then, by his majesty's command, the parliament was prorogued to the second of May.*

[illegible] During the session the king conferred upon sir J. Trevor, Speaker of the [illegible] Master of the Rolls, in the place of Henry Powle, esq. deceased; and about a month after, his majesty thought fit to lay aside admiral Russel, and to [illegible] and after [illegible] admiral of the red; the lord Berkley, vice-admiral of the blue; colonel Matthew Aylmer, rear admiral of the red; and David Mitchell, esq. rear-admiral of the blue: And [illegible] was sworn one of their majesties principal secretaries of state, in the place of the earl of Nottingham; whose removal, as well as that of [illegible] conduct after the Victory at sea; king William expressing himself, in relation to his officers, as [illegible] 'That it was not enough for them to be faithful [illegible]' The same day [illegible] the custody of the great seal of England to sir John [illegible] Temple, esq. At the same time his majesty ordered a new commission to pass under the [illegible] Priestman, esq. the lord viscount Falkland, [illegible] Hampton Court, [illegible] for Holland, [illegible] his majesty [illegible] Kensington; from whence he parted again on the [illegible] after which he went to the Hague, and from thence to [illegible]

Hay, [illegible]
[illegible]
[illegible]
[illegible] the king returned to his dominions; and within a week after put admiral Russel again at the [illegible]

May [illegible] the parliament [illegible] was prorogued by commission to Sept. 19: from thence to Oct. 3; from thence to Oct. 26: and from thence to Nov. 7.

[illegible] Session [illegible] Second Parliament of King William III

The King's Speech on opening the Session.] Nov. 7, 1693. The parliament met at Westminster, when his majesty made this Speech to both houses:

" My lords and gentlemen; I am always glad to meet you here, and I could heartily wish that our satisfaction were not lessened at present by the [illegible] this year at land, and the Miscarriages of our affairs at sea.* I think it is evident that the

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* Immediately after the close of the session, [illegible] ous Pamphlet intituled, " An Inquiry, or, a [illegible]
[illegible]
[illegible]
[illegible]

* " The English and Dutch fleet was large and strong, and early equipped. There was also ready to take under their convoy a Fleet of Merchantmen, consisting of about 400 sail, English, Dutch, Hamburghers, Danes, &c. [illegible] went with them to a certain latitude, and then sir George Rook, with 23 men of war, was ordered [illegible] St. Ubes, and other ports, under convoy of two [illegible] which he called a council of war, wherein it [illegible] wardly, and giving a fair opportunity to hasten [illegible] make the best of their way. Not long after, [illegible] fleet; and stood off with an easy sail, to give [illegible] under shore to get in the night into Faro, St. [illegible] June 16th, the French admiral, the count de Tourville, and vice admiral of the blue, came [illegible] men of war, that fought first 11, and then seven [illegible] yield, having made the most obstinate resist[illegible] asked captain Schreyer, one of them, 'Whether he was a man or a devil?' but he treated them [illegible] gave a fair opportunity to the windward ships [illegible]

[illegible] has brought so great a disgrace on the nation, I have resented it extremely, and as I will take [illegible] shall be punished, so I am resolved to use my utmost endeavours, that our power at sea may be rightly managed for the future. And it will [illegible]

[illegible] Dutch man of war, which M. Coetlogon burnt or sunk at Gibraltar, and seven which he took; M. de Tourville and the count d'Estrees, the supreme admirals of France, most gloriously burnt a rich pinnace, as in bishop Kennett's [illegible] which account must be corrected, by that which the count de Fourbin, who commanded a French man of war in this action, gives us, and [illegible] they are made by our own historians. 'The king's fleet,' says the count, 'consisting of 75 [illegible] I was commanded to go out for intelligence, [illegible] if I perceived a great number of ships, I should make it my business to find out 'whether they were merchantmen or men of war, belonging [illegible] tached with me on the same errand, and in a few days we spied a fleet of above 150 sail belonging to the English and Dutch; of which [illegible] enemy took the advantage of the wind, which [illegible] made off, so that we did them but very little [illegible] war of 60 guns, and burnt 30 of their merchant ships; which were run a-shore on the coast of Portugal. I burnt three of them myself, and took a fourth, and this was all the loss they suffered; and certainly it was happy for them [illegible]

[illegible] tlemen; I am very sensible of the great affec- [illegible]

nations; but the four great Turkey ships that [illegible] great value as all the rest. These four ships [illegible] Danes, Dutch, &c. and a squadron of French men of war coming before the place, threw bombs among them; one of the first bombs fell [illegible] the commander of that and the commanders [illegible] mediately sunk them; though it was thought the French might have shot 500 bombs, and [illegible] Sir George Rook's conduct was alike brave and prudent; he disposed of his ships to the best [illegible] under his charge, to Ireland. This misfortune [illegible] indeed upon the minds of all the people of [illegible] solved, 'That there had been a notorious and [illegible] came in question, the Negative was put upon censuring them. Every body excused sir G. Rook. [illegible] very hearty in the service, but had not the like [illegible] afterwards, that one Anselm, a secretary aboard the fleet, held intelligence with Crosby; a letter from that conspirator, dated May 5, 1694, be- [illegible] he said, 'I must needs see you before I go to [illegible] tion of the Admirals, the Privy Council published this Order, Oct. 25. 'Whereas a Re- [illegible] privy council, did upon reading a Paper at the [illegible] their justification; the Lords of the Council [illegible] ter, are satisfied, and do declare, that the report is false and scandalous: although upon [illegible] happened which might mislead the admirals [illegible] that this be printed in the Gazette.'" Old- [illegible] been very great; and yet I am persuaded that [illegible] convince us all, that to arrive at a good end of it, there will be a necessity of increasing our [illegible] I will not doubt but you will have such regard [illegible] like. I must therefore earnestly recommend [illegible]

[illegible] [illegible] ing the time of the year, and the condition of [illegible] might have prevented much. We had a powerful Fleet; had they done their duty, they [illegible] us. I move for a short day to consider the [illegible]

Mr. *Charles Montagu.* I like what is moved; and for what day you will appoint, I am as ready as any body. I am one of those that [illegible] know not who did it, but am sure it is strange, [illegible] his shore exposed, and draw off all his fleet: [illegible] ces. But I would not postpone the greatest matter. The king says, 'the enemy is stronger [illegible] was the only reason of his disappointment, [illegible] ty. I have observed, that the English are contrary to all the world; they are frighted into their wits. A party was suspected formerly to [illegible] with the present temper, popery: whereas, [illegible] pect another Deliverer. I wish gentlemen [illegible] I [illegible] Several things retard our proceedings: one is [illegible] Keeper, in disposing his Places! I wish all [illegible] had last year. I move, for your reputation, [illegible] parliamentary way for carrying on the War [illegible] it. Unhappy ministers that advised the king [illegible] tion! If they think they can be governed with- [illegible] told you, 'That, formerly, the Pensioners per- [illegible] I find some, who arraigned the former times, now in Offices; generally such people are dis- [illegible] rents. I always told you, that our safety is [illegible] nations. I hope you will particularize the Miscarriages. You have lost a million of capital stock in the city of London, besides the ships you have furnished to your enemies. It is come to a moot point, whether we shall save [illegible] ed before we give Aid; which is the natural [illegible] when he came over, 'That we should make such laws, that we should never fear our liberties;' but God knows, we are betrayed; and [illegible] was a Devil; he kept the Purse; for thirty pieces of silver he betrayed his master: and [illegible] all our privileges. I should enlarge farther, [illegible] supply me: But I move, as before, for a day [illegible]

[illegible] of affection to serve our king and country; but [illegible]

[illegible] reigners? A man must no more talk of Miscarriages at Court, [illegible] Do but consider the last session; our Bills for [illegible] promises, they all languish under disappointment of performances. Have we not seen preferments [illegible] were the greatest letters of recommendation? [illegible] his life; yet he brought home the Fleet. [illegible] came home. I hope, whatever is said abroad, [illegible]

Sir *John Lowther.* Upon the deliberation of [illegible] then I shall concur to punishments. But do [illegible] are said to be Judas's, 'because they carry the [illegible] without Offices? If you can find honest officers, encourage them; if otherwise, prove them, and make them examples to others. What will men think of us, if, in these great exigencies, we complain, and no more? The Treas[illegible] sioners of Accounts. When we consider, that [illegible] swer it to our country. We in our ports, when the enemy was at sea! I am indifferent which question you put first; whether you will examine the faults, or give the king Supply. Do all the parts requisite to the government, and take the questions together, and I hope you will not preclude any thing; but, amidst your [illegible]

Sir [illegible] [illegible] Triennial Bill was rejected: I would know who [illegible] Fleet? Former parliaments had Grievances redressed before they gave Money. I move to consider the Miscarriages of the Fleet last [illegible]

On the Miscarriages of the Fleet.

Sir *Edw. Seymour.* It is a great dissatis[illegible] Fleet, and, I am afraid, our honour too. The house will never go along cheerfully, till en[illegible] one no good, of a vigorous War against France; but I fear it may be termed a vigorous war against England. I move to add to the question, 'That we will support the Go[illegible]

Colonel *Titus.* A great sum was given last [illegible] convoyed the Turkey fleet out of danger, and it convoyed them into danger. They fiddled and [illegible] If you enquire not into these Miscarriages, you [illegible] fleet. But 'be angry and sin not,' and revenge the quarrel upon yourselves. Your case now is to satisfy your justice, and provide for your safety at the same time. But it is an affront [illegible] none of the government; therefore, I would put in the words, &c.

Sir *Christ. Musgrave.* Shall it ever be said, to the disgrace of the house of commons, that [illegible] tions of the people are not changed to the king, [illegible] tunate. You are told, 'If you have not a greater care than formerly, your Money will be of [illegible] conclude, 'For the preservation of the Govern[illegible]

Mr. *Howe.* I think none so simple as to [illegible] the question are so large, they include all things. I will not say, nor any man, there are [illegible] misfortunes. I think the opposition of the two violent parties is equally honest, and equally well intended to the government. I care not which is uppermost; if they be uppermost they care not what becomes of the government, if they have safety in their own animosities. It [illegible] Let us show the nation, that it is worth pre[illegible] part lies upon one, and another upon another. [illegible]

Resolved, nem. con. "That this house will support their Majesties and their Government, [illegible] tion of the Trade of the nation."

Ordered, "That the Commissioners of the [illegible] went out. 2. That the Admirals, that com[illegible] Wednesday next."

Debate on the Miscarriages of the Fleet.]

[illegible] letter, that he was very ill, and could not at [illegible]

[illegible] Nov. 16. Mr. [illegible]

ers for taking the Public Accounts, presented to [illegible] a State of [illegible] Money [illegible] maintenance of the Fleet during the War, [illegible] expended thereof.

Sir *Tho. Clarges.* Misapplication of Money [illegible] the Treasury cannot resist superior commands; and one great reason of this misapplying is, the Commissioners of the Treasury are not [illegible] there were Commissioners of the Treasury, till a Lord Treasurer was named, but now not to be upon oath, and to have the disposition of all the king's treasury! I hope you will consider of it. At the grand committee for the Fleet, I believe there was a million owing to the Navy. All issues are for service done, and to [illegible] that makes the confusion. I hope, there will be remedy for the future. [illegible] ready [illegible] taken to provide for and encourage the seamen, they will [illegible]

Mr. *Montagu.* I suppose no man can expect any great matter [illegible] a Paper read, as has [illegible]sly. I have been but two years in the Treasury, but I find the great occasion was, the first year of all, a great debt was left upon the Navy.—And so went on [illegible]

Several of the Treasury, and Commissioners of Accounts, spoke to it.

Nov. 17. The Turkey Company presented to the house a Narrative, in writing, of what they delivered on Wednesday at the bar of the house.—Lord Falkland presented also several Papers relating to the Instructions and Orders [illegible] the Turkey [illegible], &c. and the Admirals, [illegible] commanded the Fleet last summer,* being called in, delivered the results of the Council of War, and a Narrative of their Proceedings, &c.—Sir George Rooke, being so [illegible] of the gout, that he [illegible] not stand, was brought to the bar in a chair, where he delivered a Narrative of his Proceedings, &c. And (in respect of his indisposition) he was then dismissed for the present.

Resolved, "That, upon examination of the Miscarriage of the Fleet, and the loss the Turkey Company hath sustained this Summer, this house is of opinion, That there hath been a notorious 'and treacherous'† mismanagement in that affair."

Nov. 18. Lord Falkland presented to the house an Estimate of the Charge of the Navy for the year 1694, [illegible] for 118 ships, and 40,000 men.

Resolved, "That [illegible] to their majesties, towards a Supply for Maintenance of the Fleet for the year 1694."

Nov. 20. Lord *Falkland.* We have now an Admiral, and are without a Secretary. If Mr. Russel be put in, the Secretary (Nottingham) will go out. The Commissioners of the Admiralty sent [illegible] of their orders; and that account was not sent for a long time after. They ought either to have executed the orders, or [illegible] Two things were to be [illegible]dered by the Fleet, the coast of England to be guarded, and the Straits fleet. [illegible] nothing of the Mediterranean fleet, nor the Brest fleet; and so the admirals did neither. If orders were found impracticable, with respect to the Board, they ought to [illegible] notice. The council of war thought them impracticable: if they were ill orders, why was it not represented? If good, why not obeyed? The loss was a great misfortune to the nation, and all by mismanagement. It was a great charge for sir George Rooke to be sent [illegible] without orders. Such a chain of causes all along, that I cannot think all this was done by chance. If some course be not taken, all will be lost, and [illegible] were to [illegible]. Those that sat at the helm, how [illegible] the kingdom and king James too?

Ordered, "That the Admirals do attend to-morrow."

Nov. 21. Admiral Killegrew gave an Account of what lord Falkland charged, and Rutter's Information was read. He was [illegible] to be sent for, and confronted with the Admirals.—Captain Kerr, who took Rutter. 'He gave no Account to the Admirals of the Brest fleet being out, nor to me, nor to any of my company. I took him pretending to exchange prisoners at Nantz, but he brought [illegible] from Nantz,' &c.

Sir *Tho. Clarges.* By the Act, there is to be no correspondence with France, and this Rutter was employed to exchange prisoners, and [illegible] falls to trade with France, with currants from Nantz. He tells you a story, but that has little weight upon me, if he be not a man of credit. How many have sworn in Westminster [illegible] and yet stood in the pillory!

Mr. *Hampden.* I have observed, that an [illegible] able accusation, will prejudice a man. I never saw this Rutter, [illegible] to his Answer, upon oath [illegible] thought slight because Rutter gives it. I observe, that it is strange, he should be so long with the admirals, [illegible]

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* Viz, Adm. Killegrew, sir Ralph Delaval, and sir Cloudesley Shovel, Adm. Russel having been dismissed.—"Killegrew and Delaval were thought so inclinable to king James's interests, that it made some insinuate, that the king was in the hands of those who intended to betray him to his enemies. Though no exception lay against Shovel, yet it was said, 'That he was only put in with the other two to give some reputation to the commission, and that he was one against two; so that he could neither hinder nor do any thing.' The chief blame of this nomination was cast on the earl of Nottingham." Burnet.

† These words were retained in the question, on a Division, [illegible]

[illegible] think him not so candid and ingenuous as he [illegible] I [illegible]

[illegible] Nauta that the French fleet was laid up. He says, upon oath, 'It was not so much as en-[illegible]

Mr. *Montagu.* I would have Rutter's Information read, because some heard it not. It was a little too forward, to accuse Rutter before you heard him.

Mr. *Foley.* I have read Rutter's Affidavit, and I think it is the fairest way to have Rutter and the Admirals face to face, and then you are ripe for judgment. I would send for Rutter [illegible]

Rutter's Information was read, and he was ordered to be sent for.

Sir *Edw. Seymour.* Since observation has been made, why the admirals did not confront the evidence sooner, (I would ask,) whether [illegible] made? Without the best evidence in the world, I would not have the Admirals discouraged in [illegible]

They were ordered to attend again the next [illegible]

Nov. 22. Mr. *Papillon.* The Admirals [illegible] still less provision in than they have. They have had, upon all accounts, rather more than less.

Sir *Christ. Musgrave.* You cannot have [illegible] you have the Account. There should be an [illegible] who understands always the purser. There [illegible] victuals.

Mr. *Montagu.* You have delivered your opinion, 'That there has been a traiterous Mismanagement, *&c.*' I think it proper to hear the Admirals; a thing so much discoursed upon! I believe the admirals are ready to give you account. Rooke's misfortune was the 17th of June. They came not till the 22d; and might have had beverage upon the Portu-[illegible]

Col. *Cornwall.* They were ready, with a [illegible] Why so great a fleet as 75 capital ships, and [illegible] coasts of France? M. Tourville was not ready to come out. This I take to be the ground of all, not hindering the enemy from coming out; [illegible] instead of that, did not sail till the 3d of [illegible]

Sir *John Parsons.* This will appear a lame [illegible]

Mr. *Wharton.* I am of opinion with Parsons, [illegible]

[illegible] at the b[illegible]

[illegible]

The *Admirals.* "We beg the favour to have the questions in writing. We went on board [illegible]

[illegible]

Answer. "The ships were not all together; [illegible]

[illegible] from the 6th of May to the 14th, the wind was [illegible] coming forth.

Answer. "Our orders came not to our hands till the 20th. So great a number of [illegible] 'He wanted some Provisions.' He wrote to [illegible] against us. Several ships were ready, but they wanted provisions. But it can never be expected, that we should keep account of our provisions. We issue out our orders to every [illegible]

Question. To what time did the Provisions [illegible]

Admiral *Killegrew.* "It is impossible to give an answer to that. I hope this house will exact nothing impossible from us. We came [illegible] bers in our heads. We sent a particular account [illegible] after parting from Rooke. For account of Beer, we cannot rummage the ships; for other Victuals, we took account but in part."

[illegible]

Answer. "We received our Orders the 20th, and called another Council of War, and resolved to sail the 24th; but the wind was not good; and hearing nothing from the Council, [illegible] it not fit to capitulate. When we had positive [illegible]

[illegible]

Answer. "We had Instructions to go as far with Rooke as we thought necessary; and [illegible] was out, yet we were to obey orders. We [illegible] improper order, and not to be executed. We [illegible] to give an Answer to the question [illegible]

Lord *Falkland*. They answer, 'They had no Orders till the 19th of May.' It is true, there were no orders till then for Rooke; but they had orders, in March, 'That they should [illegible] against the enemy.' [illegible] you, 'They had no account of their Provisions [illegible].' [illegible] ever [illegible] go to sea, [illegible] what provisions they had on board? It is easy for a man to know from the pursers. They tell you, 'They were surprized with the Orders of the 14th;' and they say, 'It was not their business to capitulate.' They had the Turkey Fleet in their hands. They say, 'Their orders were not practicable;' and yet not represent it! We never heard this the 15th of May, nor the 23d. We never heard of [illegible] could we give those orders, [illegible] the French Fleet was out? There was no impossible thing required of them, the wind and weather permitting. The [illegible] know whether the French Fleet was out, and not they that gave the Orders.

Sir [illegible] *Parsons*. This might have been easily rectified, without rummaging the ship, [illegible] credit, and ready money. I was formerly a commissioner of the Victualling-office, but now a contractor. I thank God, I was no commissioner during the [illegible]

Sir *Christ. Musgrave*. I have heard the Commissioners of the navy make great complaint of the Victuallers. You are told of 'credit, and ready money.' I think it no great 'credit' for Papillon to imitate Parsons. There is something of this that we do not know, which I would enquire of from the commissioners of the navy. I would know, from Falkland, whether all were ordered to go together? I think it was the opinion given by all [illegible] the Admiralty [illegible] upon the [illegible] Order, [illegible] command, [illegible] war was. I wonder that an order came, and no notice taken of their opinion, a thing of so great weight! Upon this order, transmitted to the Admiralty, they conclude to conduct the Turkey Fleet to Ushant. Now, in business of [illegible] from the Admiralty? There were no Instructions before the separation. But I think it [illegible] I think the order was a very lame order. If the resolution was not well grounded, they ought to have had a better.

Lord *Falkland*. [illegible] power to [illegible] reason to think the orders were not practicable, because they said they would be executed. We [illegible] the French Fleet was got out; but they should have known it. This is only that we should be kept in the dark. [illegible] would neither obey the orders, nor represent them.

Mr. *Smith*. Supposing the orders ambiguous, [illegible] to be explained; but sailed away without it.

Mr. [illegible]. You have examined [illegible] particular point. The excuse, in defence of the admirals, is, 'That they had not Provisions:' if they had, then it is [illegible] fault. Pray first consider that. You have asked the admirals several Questions [illegible] make exact Answers to some things, and [illegible] short in others. To take account of provisions, surely, is not the part of an admiral. If they had had their quantity, they might have fought the French fleet, and then any [illegible] have given them credit. I propose this question, 'That there was a sufficient quantity of Beer to convoy the Turkey fleet out [illegible].'

Sir *John Lowther*. None of the victuallers say the Fleet had four months provisions. [illegible] the books of the [illegible] the Fleet, they [illegible] that they were still carrying on board.

[illegible] The admirals [illegible] they had 48 days Beer on board.

Mr. *Foley*. I find, upon the whole matter, that one third of the victuals were not delivered in kind. They had all other provisions; but the Beer is the question. The Return made by the pursers to the Admiralty, was [illegible] they might have taken [illegible] Rooke, at that time. But I observe that the [illegible] the Beer was not [illegible] parted from Rooke. The mischief of allowing this way of victualling [illegible] of great [illegible] Because the [illegible] was [illegible] it was too late to [illegible] had two [illegible] them to Plymouth; but a French privateer took two, and they [illegible] on.

Sir *John Parsons*. They had express orders to victual for four months. As soon as they came to sea, they put six [illegible] Christmas. But I am apt to believe there was [illegible] was put on board [illegible]

Mr. *Finch*. Give me leave to remind you, [illegible] proceeded in. 1. You have adjourned hearing [illegible] victuals in May. Then you called in the Admirals, and asked, Why they [illegible] the 6th to the 16th, and did not go out? '1. They were not under orders.' '2. The line of battle was not full.' And, '3. They wanted victuals.' I remember, it was said, 'They were under general orders to annoy the enemy;' if [illegible] search that to the bottom. This is a question [illegible] matter, which [illegible] they [illegible] to go to convoy [illegible] the Brest fleet, and Toulon squadron; whether [illegible]

Sir *Edw. Seymour.* I make no doubt but [illegible] weather. But as to the Victuals, when setting out the fleet, I called for an Account; and the [illegible] now it is explained, 'that a third part was in specie, a third part in credit, and a third part [illegible]

[illegible] have the Commissioners of the Navy before [illegible] then you will see, by comparing, to make a judgment. I agree with Wharton, 'that there [illegible] for this question, you are not ripe, by any means, for it; you have not the matter before [illegible] victualling. The Admirals deny the matter of [illegible] question is, 'That there is not yet given in what Victuals they had in specie.' What Beer [illegible]

Mr. *Boyle.** You have not yet Evidence to give a Vote upon; and therefore put the previ- [illegible]

[illegible] being called in, said, 'The Fleet had forty-six [illegible] the Admirals, that go to sea with oracular In- [illegible]

Mr. *Finch.* Is this a proper question, and fit to be put? If they had no orders, and knew [illegible] the Brest-fleet, and Toulon squadron? So this [illegible] The want of Victuals. This question will justify the victuallers, but not condemn the admirals. But when this question is over, then it is a proper time to enquire, whether that [illegible] debate, it was because you had not the whole [illegible] next is, what order? They had sufficent Pro- [illegible] again, and they might have done it. Lagos is [illegible] preserved the Smyrna fleet from danger; and [illegible]

Lord *Falkland.* There is more concern in [illegible]

Sir *Wm. Whitlock.* I wonder the Admiralty [illegible] the Brest; they, it seems, thought as much of [illegible]

Resolved, on a division, 138 to 152, "That [illegible]

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* "Youngest son of lord Clifford, and grand- [illegible]

[illegible] fleet.*

Debate on the Bill for more frequent Parlia- [illegible]

Sir *John Lowther.* Declare the matter of [illegible] 'holden' stand.

Mr. *Harley.* I am for the word 'Parliament holden,' because you are possessed of it; [illegible] with a word, in so many laws made use of.

Sir *Robert Rich.* A doubt arises from them against the word, that the King's Prerogative of [illegible] be only meant and intended that a parliament must be every year, if others intend something [illegible]

Lord *Falkland.* This Bill is of great con- [illegible] parliament. I am for the intent of the Clause. Instead of the word 'holden,' I move, that it may be a parliament to meet once a year, at [illegible]

Mr. *Montague.* To the word, 'declare.' If it be the intention for annual sessions, give me leave to offer my opinion why I am against it. Though those acts mentioned do enjoin it, yet [illegible] when the commons did assert all their rights [illegible] Westminster-Hall: But to determine to meet [illegible]

Mr. *Harley.* I keep strictly to the word [illegible] plaints have been made, that those have not been annual sessions; but there were com- [illegible] 50 Edw. 3, 'That there should be annual [illegible] 'they know not what kings may come, therefore to provide against oppressions.'† The [illegible] of the People are at a stand.

Sir *Edw. Seymour.* I could wish our condi- [illegible] ment, without parliament. I would willingly bate my share in parliament to have a share in [illegible]

words, because we had them 3 or 400 years ago, and are never the better for them. Is the [illegible] time? At that time all the laws of a parliament [illegible] are not in the Roll. Will you put in a word [illegible] it? I know not what improvement may be made, in time to come, of a word doubtful.

Sir *Charles Porter**. I think it absolutely [illegible] else parliaments would be in power to sit as [illegible] power to prorogue nor adjourn them. If you pass this Clause without a plain explanation, it may be of ill consequence. I would so explain it, that it may not be a question hereafter. [illegible] is a word that may be fundamental. I move [illegible] intend may not encroach upon the prerogative [illegible]

Sir *Christ. Musgrave.* You have no Clause before you, only the word, 'declare:' that word is only moved. I see no reason of the [illegible] 'declare.' Is it not always meant, you have a right when you declare? It was a right the sub- [illegible] now enact, and not declare, I fear your right [illegible] Dissolution of this, was the thing I aimed at before, and so I do now.

[illegible] 179 to 2? [illegible]

Debate on the King's Speech.] Mr *Hampden.* You have considered the Fleet, and another [illegible] grant a Supply, I know not how you can sup- [illegible] so necessary to have a consideration of it, that I move, That you would grant the king a Supply for the land forces.

Earl of *Ranelagh.* I second the motion. I must tell you, the army is in very ill condition. [illegible] ney, and no credit.

Sir *Tho. Clarges.* A supply is moved for, [illegible] ders; you have no obligation to have an army [illegible] which can never return: besides our loss at sea. If the privy council advises not the king, [illegible] French could have done little in Flanders. It [illegible] should be at the head of a Confederate Army.

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* The words, "and the Toulon squadron," [illegible]

† See vol. 1, p. 161.

* One of the lords justices, and lord chan- [illegible]

Ireland from the Confederates; we needed

[illegible] despised people. By the fundamental

[illegible]

lose by this war. They provide for our army,

[illegible]

derision of all the world.

[illegible]

these Land-Forces are, and how to employ them to another purpose—I move, that a sup-

[illegible]

Col. *Cornwall.* I ask pardon if I do not

[illegible]

come up to it. I desire they may have 3 or

[illegible]

tion without going into a grand committee.

Sir *Christ. Musgrave.* You can only make a motion, and then consider whether you will go into a committee of the whole house.

Sir *Tho. Clarges.* Seymour said, 'I spoke

[illegible]

tions that I take little notice of them. When

[illegible]

60,000 men, I thought it my duty not to let that go so. I observe that, when the Apostles

[illegible]

comparison, I am sorry for reflections. As for the 60,000, I said nothing of 60,000 men. You voted 54,000 last session. I said, 'the forces

[illegible]

only, That a motion being made, &c. this house

[illegible]

29. John Rutter was called in.

[illegible]

Rutter. "I have given my Narrative upon

[illegible]

'I had done nothing but what I had orders for

[illegible]

gun to give signal. I was carried before the

[illegible]

cannot say; I believe something of what I did

[illegible]

prize, which would be worth 2000*l.* to him. He said nothing, but 'that I must deliver my loading to the prize-office.' Capt. Kerr met

[illegible]

being distracted about my prize, I cannot re-

[illegible]

not, I suppose the Smyrna fleet. I told it my

[illegible]

I did discourse of it to capt. Barker, captain of the St. Vincent fire-ship, but I supposed I

[illegible]

observed some ships coming out of Brest, just

[illegible]

who were most sick and dying, I would make all the haste I could to Conquest-Road. I met with a privateer, a tier of six guns and 10 pat-

[illegible]

he must have been taken. I never related any thing to capt. Kerr, that the Brest fleet was sailed up. I came ashore at Portsmouth

[illegible]

three weeks. As soon as I came up, I went to

[illegible]

ton of currants taken from me. I was in the prize-office, with Mr. Parkhurst, and told him,

[illegible]

and one Mr. Alston. I was at Portsmouth some days after I landed. Mr. Alston can give account of the time. I did sign my exa-

[illegible]

Mr. *Parkhurst.* "There was a sale of

[illegible]

Rutter. "I told capt. Kerr, 'That some ships were stirring, and if I did not make sail, I must bury my sick men.' I suppose then the French fleet were out, and I told my mate,

[illegible]

6th, and I saw this on the 7th. All my company, but two and a boy, were buried at Nantz.

[illegible]

I had none; but my two prisoners that I brought from Nantz, and two men and a boy. The rest were all sick. My ship was 120 tons."

The *Speaker.* Why did not you discover this intelligence to others besides Mr. Park-[illegible]

Rutter. "I do not remember. I have been a seaman these 30 years, born in the Isle of Thanet, by the North Foreland. I have been master, and mate, 20 years and upwards, [illegible] by sir W. Scawen [illegible] upwards. I have served 20 years apprentice to a fisherman, and have my neighbours ready [illegible] I saw 15 sail, and four more coming out of Brest to windward, before the wind, almost to-[illegible]

Sir *Wm. Scawen.* I have known Rutter [illegible]

Serjeant *Thurbon.* I have known this Rutter [illegible] the jurisdiction of my borough. I have had no dealing with the man, but I always have heard a good character of him. I have heard this from his neighbours, and all give credit to his information.

Sir *Samuel Barnardiston.* I enquired after [illegible] and have not heard a better character of any man.

Col. *Lee.* I know not whether his character will answer your expectation of gentlemen. Upon the Revolution he behaved himself bravely. He applied himself to his owners to be a privateer, who could never get any ac-[illegible] let him be a privateer.

Sir *John Fleete.* I have no particular acquaintance with the man, but I have heard of him, [illegible] honest man, [illegible]

Mr. *Machell.* I will tell you a fault that perhaps [illegible]

Mr. *Howe.* I shall only make this observation, that I have known many pass for very honest gentlemen, and, in this corrupt town, five or six years ago, they have proved otherwise. I reflect not upon the man, but let every [illegible]

Daniel Castle. "I was Rutter's mate. Under St. Matthew's point, the 7th of May, Rutter said, 'He saw some ships at anchor, and some under sail, and heard a gun for more [illegible] and steer, for fear of being stopped. I saw the ships, when I was with Rutter on the deck. Hearing the guns fired, we made all the sail we [illegible] fleet. I heard 25 guns fired, as more [illegible] carpenter, a prisoner [illegible] I did not acquaint any person with what I saw [illegible] on board our ship, but I was not well when he [illegible] or yard, was broken, but I heard nothing of [illegible] prisoners. I was never examined, nor ever acquainted any with what I saw, nor had any discourse. I came ashore on May 14. I was [illegible] with no man there, and came to London. Our [illegible]

Major *Churchill*, of Portsmouth. "Rutter [illegible] English prisoners. I asked him 'what was the news?' He told me, 'the Brest squadron [illegible] were coming out.' He said, 'He was carried [illegible] Portsmouth. I believe it ten days after his [illegible] went away, I did tell this to abundance of friends, and relations, I had in town." Rutter told it, I believe, 20 times, in company of captain Barker, and Mr. Alston. I have known Rutter above nine months. He observed, 'That 15 more French ships were coming out, [illegible] from Portsmouth, as I was writing, I heard [illegible] He performed his voyage very well. A broker brought him to me at first; he was of good credit, [illegible] ships, for several years. He was on board the [illegible] only sir Cloudesly Shovel asked him several [illegible]"

Sir *Francis Child.* Rutter did say, 'That [illegible] dressed himself to sir Cloudesly Shovel for his pass.

Rutter. "In Nantz, they asked [illegible] 'where the Turkey fleet was?' I told them [illegible] they knew better.' There was a discourse at St. Malo's of laying up the fleet, but nothing at Nantz. I never said a word that the Brest [illegible] expedition. Capt. Barker's boat brought me [illegible] crew, and the coxswain. I went immediately to the Admiral's cabbin-door. I waited there a quarter of an hour. Some gentlemen were [illegible] thing. I expected to have been asked several questions, but I heard none."

Sir *John Lowther*. Now Rutter tells you, [illegible] count of the French fleet, but they told him of his being called in question, if the parliament had sat, for carrying French goods.

Mr. *Foley*. It is time to make an end of this matter; and I know not how, unless [illegible] and his mate, and confront them all together.

[illegible] in, and heard; and then withdrew. And the question being put, "That it does appear to this house, that the Admirals, that commanded [illegible] passed in the Negative, 17[illegible]

Debate on a Bill touching free and impartial Proceedings in Parliament.] Dec. 4. An [illegible] Parliament, was read the third [illegible]

Sir *Edw. Seymour*. I would not, by any [illegible] filled with! Next, in this Bill, no person to be chosen a member is capable of an Office. The question was formerly, 'What will you do for [illegible] And now, What disgrace will you put upon him? I think this a great reflection on the country, and will you establish these reflections? There are [illegible] you establish nothing but reflections on your country.

Mr. *Harley*. I can hear no argument against the Bill. It is objected, 'That this bill will put a reflection on the worthy members that have Offices;' but you have taken care of [illegible] in present. As for former parliaments, it is [illegible] 'the king's honouring men,' no doubt but the [illegible] the people make choice of one in office, they [illegible]

the Chancellor, [illegible] 93,000, in the whole. It was never known that [illegible] is a gracious prince, but consider what a precedent you make! this is a good king, but other [illegible] I move, 'That the lords of the council may sign [illegible] Dutch, or English counsel. I would know who must answer this? but I will dare say, that no Treaty obliges us to one man. But if this must [illegible] year, you called for Treaties, and you had but one offensive treaty with the States produced, signed by lord Nottingham, &c. I would see [illegible] who we are slaves to. If you agree to this number, I cannot tell how to help it; but I move, 'That the Lords of the Council may sign [illegible]

[illegible] before us, but just reading the Papers. Be[illegible] if so much money was demanded of us. Let us [illegible] to ruin England to preserve Flanders. I know no consideration for this but our labour for our pains. I would address the king, &c.

Sir *Francis Winnington*. I am much sur[illegible] have heard from Mr. Vaughan, in this house, 'that no sum of Money was to be asked here, [illegible] nify all our laws, if we have no estates? the na[illegible] We are told that still there is a vast debt behind; but there are vast Pensions and Gifts. Every man ought to know the reason of this. If this vast number will ruin England, we must not support Holland. I would have the Alli[illegible]

[illegible]

[illegible] think that many of the misfortunes to us in [illegible]

Dr. *Barbon.* I should be loth to see Trade [illegible] shall agree to it. If not, I would call the Ad- [illegible]

[illegible] want of success—But when 'the fathers have [illegible] great, that we cannot now pull them down. [illegible] down this vigorous monarch, or not. If we will [illegible] be easily borne. I join with the motion for an A[illegible]

[illegible] and Popery. If Holland be destroyed, it is our [illegible] under Excises. This sum will be great, but the [illegible] be safe without an Army; neither safe at home, [illegible]

Mr. *Harley.* I do not doubt but this house [illegible] to us; but that is not the question before us; but the Treaties and Alliances. I hope, when [illegible] it will be time for us to judge. That which surprizes me is what is talked of 'general excises,' [illegible]

[illegible] last year before you, and I think none were broken. The king tells us, 'That our Allies [illegible] If you had less men, [illegible] wearier of the War than we, less money will carry it on. The manner of collecting the Tax, &c. has been a Grievance, but nothing has been said of [illegible] easily carry on your Taxes; he will be the [illegible] that this is a greater Estimate of our Forces? [illegible] But was a kingdom ever in such a condition, the enemy stronger than you? I am sensible [illegible] the utmost extremity. I believe the country [illegible] dle away from year to year: suppose it should [illegible] quickly full of money, and over-run us all.

Sir *Tho. Clarges.* All Treaties last time were [illegible]

Sir *John Trenchard* *. The last year you [illegible] Treaties were laid before you. The Treaty of Charles 2, with the States. I propose that this lie upon the table, and the house consider whe- [illegible]

Sir *Tho. Clarges.* The Treaties before you the last time were partly defensive. I remember, the Treaties of Charles 2 were brought to us. All defensive Treaties. 'They shall be maintained at the charge of the party sending;' but [illegible]

Sir *Christ. Musgrave.* I was one of the first [illegible] therefore I would know what before, and what augmentation must be made now. I would have before us what should induce us to consent, and not do it, without knowledge; and if [illegible] I am more concerned than before, 'since a gene- [illegible] to our liberties at a blow! I would know [illegible]

Sir *Tho. Clarges.* Treaties are not verbal, —

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* Secretary of State. "He had been en- [illegible] sea, and had a right understanding of foreign [illegible] pected, since he was a leading man in a party [illegible]

[illegible]

Col. *Cornwall.* When we must come in to the Confederates *totis viribus*, I would know why they have not their numbers complete? I [illegible] We shall pay above double, and they not above [illegible] no use. I believe they have not officers in Hol- [illegible] men. I doubt not but, if we keep up our [illegible] peace at the house of commons door.

Col. *Cornwall.* I have not so much experience as lord Colchester, but in one year I have [illegible] drew out the detachment, that I ask, if the [illegible] mented. The proper question is, 'Whether [illegible] proved the List, nor any part of it. The question is, 'Whether the number for England, [illegible]

Mr. *Howe.* I think you have performed [illegible] crown, and I hope he will perform another, to see his promises kept to us. Our ancestors proposed good laws, in exchange of the money we gave them. I would know, whether you [illegible] The king says, 'What seems good to you I will [illegible]

Resolved, "That an humble Address be [illegible] pleased to command, that such offensive Treaties and Alliances, as his majesty is now under [illegible]

[illegible] fleet:—"1. I desire, as far as may be, to be [illegible] mand me I must obey. I cannot tell what opportunities the Admirals had, after I left them. I know not what opportunities they [illegible] the French were come out, or not. 2. I know not of any intelligence they had, but I asked [illegible] Spithead. Sometimes, 'That a French squadron was out.' The report at other times was, 'That their great ships were disarmed, and [illegible] I did not acquaint the Admirals with it. 4. I [illegible] to a council of war, till I came to the Maderas. [illegible] Maderas: and then I went to Ireland. 5. [illegible] mirals, I had reason to think myself separate [illegible] the weather had not proved fair, to receive instructions for my proceedings. 6. A Portu- [illegible] was true, because I gave no credit to it. If it had been the French fleet, it was happy I had [illegible] greater than it was. 8. The result of the council of war I know nothing of, but that it [illegible] council of war, as of all councils, is, that they sign to the majority. 10. I believe the result [illegible] taking prisoners from the shore. 12. I did [illegible] to take. 13. I have the Minutes, which I took at the council of war, about me. 14. As to the Admiral's intelligence, it was said, 'They [illegible] for intelligence.' I thought it unreasonable, [illegible] our course to Cadiz. All the flag-officers were [illegible] have intelligence, but thought it impracticable to go into Ushant. 16. The council of war was on the 16th of Sept. I believe I did draw [illegible] could not sign, and, I believe, that was the reason why I did draw it up. 17. There was [illegible] cil of war, which I could not sign, viz. 'That the Orders the flag-officers had received, were [illegible] council of war.' I could not sign this, having been absent a great part of the summer. 18.

[illegible]

I humbly presume it is very well known to several [illegible] upon [illegible] that the fleet [illegible] in the circumstances [illegible] to the captain of a French fire-ship gave intelligence —and I have said it in my Paper. I know neither the French nor the Portuguese language, and so must submit to an interpreter, and what was said is in my Paper. 20. I sent to some captains, and examined them apart, which I delivered in, in my Paper. 21. I never saw, nor heard of a fruit-ship, nor ever saw any [illegible] but one Dutch ship [illegible] the Terceras, going to Amsterdam, till I met the French fleet. 22. I remember not the lords of the admiralty, but I remember, that all the [illegible] went ashore with the Admirals, [illegible] of the council of war. 23. I believe [illegible] the lords of the council at Portsmouth, because they went on shore for that purpose; but of its being transmitted to the lords of the admiralty I know not. 24. As the weather had proved, I believe we might have gone into Brest-Water. 25. I know not what orders the Admirals had; they were private orders, and I know not whether they went according to their orders. 26. I believe I was about two leagues off, when the signal of parting was given. 27. I know not whether I saw the orders of carrying the fleet to Lagos-Bay. I heard them read, but dare not offer my opinion in so weighty a matter. 28. I was present at the council of war, on board the [illegible], the 2[illegible] May [illegible] The [illegible] proposed in case of bad weather. 30. I approved the station of 30 leagues W.S.W. of Ushant. 31. I understood, that, when I came there, I should take farther measures what advice I should take, from the intelligence I should receive. 32. I have the Minutes of the Council of War, of May [illegible] captain Parsons's Letter be read, viz. 'I wish you [illegible] that were the [illegible] of your not proceeding in March.') 33. I think some other [illegible] to the [illegible] of my remembrance, [illegible] Berkeley, and admiral Aylmer. 34. The proposal was not drawn up, but offered and proposed. I had been absent a great part of the summer, and [illegible] too. 35. We had not proper ships for the service of sending to Brest (as before) June 4, and the [illegible] were sent to be sacrificed. If I had committed errors, I might commit more. 36. [illegible] the [illegible] signal was put out. The weather proved fair; and I suppose that was the reason why the Admirals gave the signal for the council of war. [illegible]]

Mr. *Chadwick.* If you have any thing to ask the Admirals, they are at the door.

Lord *Falkland.* I would ask the Admirals some questions. You cannot else make a judgment upon the whole.

Resolved, That the Admirals be called in severally.

Admiral *Killegrew*, at the bar.—[illegible] the commissioners [illegible] opportunity of sailing. A vessel that was sent out, took a fisherman, but he knew nothing. The [illegible] cruising ships. Had I sent a ship in, which way could it escape? If I had thought it feasible, I would have done it. We did nothing of any kind, nor made one step, without a council of war, where we three are but one man, and one voice; neither durst we have done otherwise. We endeavoured to [illegible] but could not come at it. If orders were sent to us, that we [illegible] put [illegible] instructions, at [illegible]]

Sir Ralph Delaval, and sir Cloudesly Shovel, were then, separately, called in, and [illegible] several questions, to which they gave answer; and then withdrew. And a motion being made, and the question being put, "That the Admirals that commanded the Fleet [illegible] summer, by not gaining such intelligence as they [illegible] of the Brest [illegible] Brest for [illegible] to the great loss and dishonour [illegible] It passed in the negative, [illegible] 17[illegible]

Charge against Lord Falkland.] Dec. 7. Mr. [illegible], from the Commissioners of Accounts, acquainted the house, "That Mr [illegible] Receiver of the [illegible] ed [illegible] upon oath, [illegible] in general, did acknowledge, 'That, about the [illegible] of March, the lord [illegible] and desired to know [illegible] the Admiralty; and that it would be for his majesty's service to pay [illegible]. He then said, 'He would pay 4000 *l.*' That the 2[illegible] of the said March [illegible] lord Falkland a letter, expressing the number [illegible] letter. [illegible] ship, and he kept it. That, in pursuance of the said Letter, [illegible] next morning; and then acquainted him, 'That he could not bring his lordship notes [illegible] delivered to him an Order [illegible] *ty*, for paying the 4000 *l.* and also a Certificate [illegible] expired, lord Falkland sent a servant to the said Mr. Ramsford; and thereupon, he attend- [illegible] with such another note. Upon which, his [illegible] and gave him a receipt for his majesty's use for 4000 *l.* That lord Falkland did acknow- [illegible] ers, 'That, the 23rd of March, 1692-3, he did [illegible] no member of either house of parliament; and hath a receipt for the same.' And his lord- [illegible] 2000 *l.* some time in April, which, he saith, is [illegible] his majesty, since his return; who told him, 'He had directions for him therein.'"

Debate thereon.] Lord *Falkland.* I acknow- [illegible] 2000*l.* of it, but not to parliament-men. I up- [illegible] maining 2000*l.* I can say no farther than I did to the Commissioners of Accounts. I received it by the king's order, and paid it to no members of parliament; and the rest is in my [illegible]

Sir *Christ. Musgrave.* I have not heard of such a way of proceeding. It seems, there [illegible] lord Falkland's hands. But I must observe, that when a man is brought to your bar, and ordered to attend, then for that lord to send to [illegible] 'Be sure you tell nobody of it!'—How many public purses must be in England? It looks as [illegible] other men's names!—I find my respect can carry [illegible]

Lord *Falkland.* I had directions from the [illegible] Flanders; the rest I should pay as he should direct. I hope this is no fault, to obey the king. The money was received by no member of parliament, nor was for the use of any mem- [illegible] the money was received. I have paid it as the king has ordered, and so I shall do the rest. I desired the commissioner to send me a pre- [illegible]

Sir *Tho. Clarges.* According to order, lord Falkland ought to withdraw. I would know [illegible]

Lord *Falkland.* I believe, this money was for the king's immediate use, and when I brought [illegible] the Clerk of the Closet for his immediate use [illegible] kept secret.' Lord Falkland is a privy-counsellor, and brought blank notes to be signed [illegible] was not done like a privy-counsellor, to advise to put the king in a figure of signing bills. It is a breach of Falkland's trust, and he ought to be tender of the honour of the king. He took up the letter again, and expressed himself, 'That it should be kept very secret;' but if [illegible] direction. I think this lord has not used the [illegible]

Mr. *Foley.* I cannot but take notice, that all the report carries a suspicion, that this money is not to be owned. I cannot imagine, [illegible] goldsmith. I think, as has been observed, that it is a strange way of issuing money. The [illegible] it is plain these were goldsmith's notes, to be [illegible] out acquainting the king. My lord thought [illegible] liament.' This Randolph Keyn's* name has [illegible] put to an ill use, and I would vote it so.

Sir *Tho. Littleton.* I attended the report, and I observe several gentlemen have showed [illegible] But if you will enquire into the king's private revenue, not disposed of by parliament, do as you please.

Mr. *Harley.* I stand up only to justify the [illegible] enquire into the privy purse; but this being a [illegible] their duty. And, I believe, you will find this John Thomas† a name much used. Do as you please.

Sir *Tho. Littleton.* I had no intention to

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* The person to whom most of the notes [illegible]

† [illegible] to wh[illegible] two of the [illegible] were [illegible]

[illegible] reflection [illegible] Commissioners [illegible]

in any unlawful thing, I think it not warrantable; but to obey him in lawful commands, I think is the duty of every servant. I believe [illegible]

Sir *Tho. Clarges.* Littleton tells you, 'He made no reflection on the Commissioners of Admiralty;' [illegible] reflection. We, (the Commissioners, &c.) are [illegible] robe, and he knows that the great seal, or privy seal, must dispose of the king's money.

Sir *Christ. Musgrave.* I think it a great fault before you, for a man to take upon him to draw warrants, and it is a diminution of the [illegible] crime of this lord is this; that, when a man was brought to the bar, to inform you of this [illegible] the letter, that directed the payment. He de- [illegible] The money is in this lord's hand, and he keeps it in his hand, and there is nothing plainer, than that this money was for Secret-Service. [illegible] Has not the king a privy purse? If it was for the [illegible] affront to the house, and I move, 'That this [illegible]

Sir *Charles Sedley.* The king had this money [illegible] pleases. I find this lord has done nothing but as first commissioner of the Admiralty, and paid it accordingly. He has told you, 'It was [illegible]

Mr. *Montagu.* You are rightly informed of [illegible] by the great seal, or privy seal. I cannot tell [illegible] of payment in the exchequer.

[illegible] is to be directed, I know not the method; but I dare venture to say, it is not according to law. If [illegible] commissioner, and he prepares a warrant di- [illegible] paid, it is for a consideration, and he is by law [illegible] accountable to the law for this sum, thus long in this lord's hand. For any other man, it is [illegible] according to law, nor paid according to law. [illegible]

I hope that, if this lord be faulty, you will pu- [illegible]

Sir *Francis Winnington.* This affair is ne- [illegible] Pensions were in parliament; though no man [illegible] quer, if not granted off by privy seals. This lord is a member of parliament; he ought not [illegible] People receive the king's money by record. [illegible] well, if the money can lie half, or three quarters, of a year without calling for. A trunk of money was delivered to a gentleman cross Lud- [illegible] it. Great implication in 'that he should tell nobody,' and these bills were signed just at the rising of the parliament. I take it, that the taking away this letter is a contempt to the [illegible] 2000*l.* he kept to himself. If once detected, I hope others will be punished that are guilty.

Admiral *Russel.* I would have gentlemen consider what this money is. It is said, 'It is [illegible] dispose of it by the king's direction, I hope you [illegible]

Sir *Robert* [illegible] farther, this lord is not so criminal.

Mr. *Boyle.* I think this matter not plain, [illegible] wards something more, and I hope that, if you send him to the Tower, he will tell you all. [illegible] Commissioners of Accounts; and, the highest [illegible] your information. I have heard it said, 'That England can never be ruined but by a house of [illegible]'

Mr. Solicitor *Trevor.* This lord has denied [illegible] ment. He says, 'He has not received nor [illegible]' [illegible] to his office, in point of law, to the perquisites [illegible] Admiralty [illegible]

Mr. *Bromley*[*]. You have, [illegible] mit this for a defence, you must never expect [illegible] to the Tower. I am far from a harsh motion, [illegible] I should have joined

Sir *Herbert Crofts*. I am sorry to find en- [illegible] tuity. But I insist upon that offence, that, when you had a man before you, after that to [illegible] you cannot be too severe upon him; and I join in the motion 'for committing him [illegible] Tower'

Mr. *Hungerford*. I am as forward [illegible] of our English liberties. B[illegible] so culpable as represented. He [illegible] mission of the Admiralty, and the money is properly payable to that office. We [illegible] dark, and I would have———† sent [illegible] not commit this lord to the Tower.

Mr. *Palmer*. I do not rise for the question of sending this lord to the Tower; that is too hasty. It was a great crime, the withdrawing the letter, &c. I think the Commissioners of [illegible] were used. I move, that you would adjourn the debate, that those other persons, whose [illegible] concerned

Sir *Christ. Musgrave*. I should not trouble [illegible] who asks, 'For what crime you will send this lord to the Tower?' It is stifling the Evidence, that the commissioners take to be the crime. Remember your order yesterday, 'That no [illegible] when you are taking the Examination of this money, your member to stifle the evidence! [illegible] house, in that case, yesterday? I would fain know that. 'Nobody,' Falkland says, 'must [illegible] Tower for stifling the evidence

Sir *Tho. Littleton*. I only observe, that the [illegible]

Sir *Christ. Musgrave*. If a copy had not [illegible]

Mr. *Foley*. You have had a report from the Commissioners of Accounts, and now it is [illegible] oned. Put your question right, viz, 'That [illegible]

Sir *Henry Goodrick*. I can find no manner [illegible] triously that this lord is accused of. I desire [illegible]

Sir *Christ. Musgrave*. The usual custom is, [illegible] be heard in his place; and I move it.

[illegible] land, for withdrawing a Letter, writ by his [illegible] solved, "That lord Falkland be called in, and [illegible] to this effect: that his withdrawing the Letter from Mr. Rainsford, &c. was a great offence against the house, &c.

Lord *Falkland*. I am sorry I should be the [illegible] I protest I did not withdraw the letter with any design of withdrawing evidence. I am sorry for it. And, upon my word, if it was an error, it was in my judgment, but with no design of stifling the Evidence. I hope the house will make a favourable construction of it.

[illegible]

The *Speaker*. The house has considered [illegible] merciful to your lordship. You have said, 'You did it not wilfully; it was an error of your judgment.' I have done the part that belongs to me, and I hope you will do your part,

Lord *Falkland*. I am extremely obliged to the house, that they have been so merciful to me; and I give my humble thanks to the house [illegible]

[illegible] majesty for the Treaties and Alliances between [illegible]

States General [illegible]

Countries, including 1500 [illegible]

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[*] A man of a grave deportment and good morals, but looked on as a violent Tory, and as a great favourer of Jacobites; which appeared evidently in a relation he printed of his Travels. In the parliament of 1705, he was a candidate for the Chair, in opposition to Mr. Smith, but lost it by a majority of 44. He was afterwards [illegible]

† Sic Orig.

‡ This order is not mentioned in the Journals.

[illegible]

Emperor in Germany -	6,000		6,000
Elector of Brandenburg, [illegible]	[illegible]	[illegible]	21,[illegible]
Elector Palatine - -	6,000		6,000
Elector of Triers -	15,000		15,000
Elector of Cologne - -	6,000		6,000
Elector of Mentz - -	2,000		2,000
Elector of Saxony - -	12,000	2,000	14,000
Elector of Bavaria - -	8,000		8,000
House of Lunenburg -	23,000		23,000
[illegible] Piedmont			
[illegible]	4[illegible]	[illegible]	[illegible]
Circles of Suabia, Franconia	24,000	4,000	28,000
[illegible]		[illegible]	[illegible]
Bishop of Liege - -	6,000		6,000
Bishop of Munster - -	2,000		2,000
	[illegible]	[illegible]	[illegible]

*Report of Sums, issued for Secret Service; and paid to Members of Parliament.**] Dec. 9. Mr. Harley, from the commissioners for taking the public accounts, presented to the house [illegible] Moneys issued for Secret Service [illegible] paid to Members of Parliament, [illegible]

"That the said Commissioners have, in every [illegible] the Sums issued for Secret Service from the exchequer, or elsewhere; and that they did formerly [illegible] deceased, as far as your commissioners could have it discovered to them: They also desire [illegible] deavours they had used to obtain a full Ac[illegible] to members of parliament; and did return in [illegible] whom Money has been issued for his majesty's privy purse, or for Secret Service, the commons [illegible] of this house, in re-payment of principal, interest-money, freight of transport ships, and [illegible] deceased; which, if the house commands, shall [illegible] are as follows:

To sir Charles Porter for his Equipage into Ireland - - -	1,000	0	0
To sir John Trevor for Equipage and Allowance as Speaker - -	2,405	0	0
To sir Scroop How, a free gift, out of arrears of Hearth-money - -	2,000	0	0
To sir Henry Fane, a free gift, at twice, on being removed from being a Commissioner of Excise - -	1,000	0	0
To Thomas Frankland, esq. on the like account - - - -	800	0	0
To sir Robert Howard, by verbal direction of the king to lord Ranelagh, per ann. - - -	1,500	0	0
To Baptist May, esq. at nine several payments expressed to be for purchasing Hay, free Gifts, Bounties in discharge of Taxes, on Windsor-Park, &c. - - -	[illegible]	[illegible]	[illegible]
To Tho. Papillon, esq. a free gift in [illegible] to execute the office of one of the Victuallers of the Navy, over and above his yearly salary of 400l. at the rate of 600l. per Ann. - -	750	0	0
To sir Sam. Barnardiston, part of his Fine remaining in the exchequer, November 5, 1688 - -	500	0	0
To col. Charles Godfrey, in part of the Arrears of a Rent Charge, granted by the late duke of York, [illegible] the said Colonel - - -	1,500	0	0
More, on his Pension of 800l. per [illegible] - - - -	[illegible]	[illegible]	
More, as his majesty's grace and bounty - - - - -	400	0	0

[illegible]

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* "About this same time, and in order to blast the Whigs and their leaders, who were now the reigning party at court, those active members, H[illegible] the Commissioners of Accounts, a State of the Receipts and Issues of the Revenue; as also, two [illegible] by which it appeared, that a Court-Influence [illegible] was so much decryed; and that many of th[illegible] not to insist on occasional Bounties, free Gifts, &c. it appeared, that many of the persons, deprived of places, to make room for others, were quieted with Pensions, equal in value to their [illegible] their salaries, were in a manner bribed with additional stipends to accept them.—But what [illegible] English gentry that had joined the prince of Orange, had, as a consideration, begged of his highness, the Weeding of the Forest of Dean, or, in other words, the fall of all the Hasel, and oth[illegible] of timber: but his majesty being afterwards informed, that what he had given for 7000l. [illegible] grant to his intention, and reserved the residue [illegible] been given to one Mr. [illegible] Secret Services to Mr. Guy, (Secretary to the T[illegible] Mr. Russel, in consideration of his many faithful services, especially destroying a considerable part of the French fleet." Ralph.

[illegible] of money stopt for Exchequer- [illegible] Moor Park, lett to the crown	80	0	0
[illegible] of service done his majesty in Ireland	200	0	0
To sir John Guise as his majesty's [illegible] receive by Wood-falls out of the Forest of Deane	1000	0	0
To Shadrac Vincent, esq. a free gift	1000	0	0

[illegible] had 1500 *l.* from lord Ranelagh. I was not so [illegible] surrendered the grant.

The *Speaker.* I had 5 *l.* a day salary, and 2000 *l.* for my equipage, when Speaker, upon * * * * † estate. (Given in upon oath.)

Earl of *Ranelagh.* I had verbal directions from the king, to pay 1500 *l.* per annum, to [illegible] Howard, [illegible] 1691; and then Howard delivered it up, and no more notice was taken of it.

Mr. *Papillon.* I did petition the king to be [illegible] place. I was in business, and had trade to follow, and must neglect all till ten o'clock at night. I have received a year and a half, at 500 *l.* per annum.

Mr. *Harley.* There was 500 *l.* to sir S Barnardiston. His fine was brought into the exchequer. He brought a writ of error, and [illegible] &c. The interest of his fine came to more [illegible]

Sir *John Guise.* I am charged with 400 *l.* for secret service, [he reads his privy seal] 'in [illegible] his person, &c.' I thank the gentlemen for [illegible] the service I have done. As for 'the forest of Deane,' &c. it is but part of what the king promised me ‡.

Dec. 11. A complaint being made to the house, of a blasphemous printed Pamphlet, entitled, "A Dialogue, by way of Question and Answer, concerning the Deity; and a brief, but clear confutation of the doctrine of [illegible] sent inclosed under covers, directed to several members of this house; one of which was produced, and delivered in at the table; the titles whereof were read; Resolved, "1. That the said blasphemous printed Pamphlet be burnt [illegible] Wednesday next, in the Palace-Yard, Westminster; and that the serjeant at arms attending this house do see the same performed. 2. That a committee be appointed to enquire into the author, printer, and publisher, of the said blasphemous printed Pamphlet; and to make [illegible]

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† Sic Orig.

‡ In a Tract, published about this time, entitled, "Price of the Abdication," is the following remarkable passage: "Posterity will [illegible] prodigal in granting them, and will set an eter- [illegible] ment. I will not presume to calculate what [illegible] million. And there are who can tell that [illegible] ged for such Secret Service: and since their [illegible] several of them, 20,000 guineas at a time, out of the privy purse, is intrusted with Bentinck, the Dutch Almoner, to be distributed accord- [illegible] lives for the government, and yet are some months in arrears for subsistance; none being [illegible] no other plea, besides their merits in promoting [illegible] would quit that topic, cast a very undecent reflection upon the P. of O. his first Declaration, wherein his highness was careful to avoid all expressions, as if he had the least design upon the crown: and yet this doughty knight (sir J. Guise) affirmed, that at Exeter, in recompence of his service, in going to fetch, and accompany the prince hither, to the hazard of his life [illegible] ing, that is, the Underwood of the forest of Dean. This sort of claim of merit, not only opens a wide gap to let in swarms of other [illegible] of the Abdication is never to be discharged, [illegible] made sensible of such combination) shall [illegible] purses, which they ought more to endeavour than against highwaymen, and their underhand setters, who fleece not whole countries and kingdoms, as these Pensioners do. Surely [illegible] dromedaries, beasts of burden, who crouch down to take up their load; but when they find it more than they are able to bear, either refuse to rise, or else cast their load. I leave the application; though I know it will not be made by such as design to load us till our backs are broke; and that, by a seeming con- [illegible]

[illegible] "HUSH-MONEY PAPER," as it was called, was set forth; wherein it is said, "That the [illegible] ment, and the too great influence these have [illegible] men, (who are possibly over-frighted with the [illegible] all Grievances, stifle Accounts, and rectify the Articles of Limerick." And, again, "I could name a certain gentleman, who exactly re- [illegible]

Debate on the Supply.] The house went into a grand committee, on the Supply†. Se- [illegible]

Colonel *Cornwall.* When the king went [illegible] over. I should be glad to know, what is be- [illegible] camp, they had taken all Flanders; at the first charge, they had cut the army in pieces. Now [illegible] Allies) go away with the money.

[illegible] first thing you do, of the Alliances before you, [illegible]

Sir *Tho. Clarges.* I observe, Holland raises [illegible] commons of England. I observe that, former- [illegible] 1672, the Treaties were brought to the commons. This is a great undertaking—Now you have a much greater number sent over than formerly

[illegible] with Hanover; in 1692, and Dec. following; [illegible] Towards the payment of the men, the king of [illegible] give 30,000 dollars a month; which they thought [illegible] States 10,000 in a year, 58,000 men, and the Dutch the rest. This was the substance of the [illegible] tinued.

Sir *Tho. Clarges.* It is not easy, for such a [illegible] reading. I observe, the Dutch pay but one third; we 50 ships and they but 30. I know not the reason for that. I have heard, that their ambassadors should say, 'That England

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the house was a little out of humour, disposed [illegible] find out, but God knows who have Pensions; [illegible] at the beginning of the last sessions, who [illegible] had their mouths soon stopped with Hush-Money, &c." For a copy of this very cu- [illegible]

† "Burnet is very positive, that from the [illegible] cabinet by the Whigs, he uniformly studied to give the ministers all the trouble he could. [illegible] man's death, he repeats it, That he had gone into all the measures of the Tories; that he studied to oppose every thing, &c. But, unluckily, there is a Tract of the marquis's still extant, called, 'An Essay upon Taxes, calculated for the present Juncture of Affairs, 1693,' which he introduces as follows: 'Since it is of the last consequence to every true Englishman, that the present War should be carried on, for the preservation of our liberties and religion, against the common enemy of both; and not- [illegible] of some discontented Jacobites, that a peace with France is more necessary than a war, and that it is more carried on for the sake of others than ourselves; and that, if it were necessary, [illegible] ourselves alone, than in conjunction with the confederates: and that the only way to secure our liberty and religion, to obtain a safe and speedy [illegible] subject to, for the carrying on the war, were to cast off the present government, and take [illegible] France: yet there is nothing more clear than [illegible] impracticable; and that the true meaning of them is only to give up all that is dear to us, into the hands of two princes, who have always preferred the design of subverting our religion, to all other considerations whatsoever: and [illegible] [illegible] measure of carrying on the war: and it is [illegible] have composed a Tract expressly in favour of it, together with a Project for supporting the extraordinary Expence of it; or would have suffered it to be made public at a time, when the strivings of the two factions turned chiefly [illegible] rejected." Ralph.

A copy of this excellent performance will be found in the Appendix, No. XII.

[illegible]

[illegible] us, and ours but 8 millions—The conti- [illegible]

year, has been 3 or 4 millions. If they out-reason or out-wit us, we are a little unforto- [illegible]

while, we are 'An inexhaustible treasure,' and [illegible]

Sir *Christ. Musgrave.* I would not be con- [illegible]

Sir *Tho. Clarges.* The additional forces of the States are 15,000, and those of England [illegible] land is 'inexhaustible in treasure.' If this Estimate be admitted, England will maintain 115,100 men there, in Scotland and Ireland; and I take not in the Indies: But, by the way, [illegible] country, but what does the emperor contribute to our Fleet? France maintains 100,000 men cheaper than we 40,000 men—All their General-Officers are paid but half the year, and [illegible] expence is equal to ours. Sicily revolted to [illegible] were forced to give it up, though they won a [illegible]

Mr. *Harley.* The total of the List of our men is 93,000. I doubt not but every gentle- [illegible] nation able to bear. I am sorry that Hanover Treaty is brought before you: being once laid before the house of commons, I fear it will be drawn in consequence upon us. I hope [illegible] are not told of any Treaty—But I see not yet [illegible] large a barrier to maintain by land, and you [illegible] for the raising these men, than from the Ge- [illegible]

[illegible] of day you will not discourage the Confederates, by discontinuing what you have allowed for- [illegible] opinion, that concerns the honour of the nation. You have a powerful enemy, that carries all before him; and his government is absolutely opposite to yours, and the Protestant [illegible]

country, or bring them to a peace. Why should [illegible] for them? No doubt, he would be glad if such a [illegible] y conquest, or peace, out of which we shall certainly be excluded, and then we are a most [illegible] it is plain, this concerns England; for the king of France has England in his eye, no other [illegible] you, you cannot get out: If an hour later, and [illegible] wind may defend you. When the alliance of [illegible] We have to do with a neighbour that builds [illegible] at the last push? Let us consider this as Protestants, and I move this short question, "That the Land-Forces may be increased to the num- [illegible]

Sir *Christ. Musgrave.* I will speak only to [illegible] and you can never get it off. It is a strange [illegible] Dutch but one. I know not how the king, or his ministers, will be able to stem it, without the assistance of this house. They are a continent, and we are an island; and, if that be the reason, we are to blame to admit that rea- [illegible] thirds will be multiplied infinitely upon you; [illegible] You are told, by Ranelagh, 'That 30,000 dol- [illegible] for forage and bread too, in part, I think that [illegible] he is a ninth elector.

[illegible] 'To consider of the 94,000 men given in, &c.' [illegible] We ought to have a fair bargain. There are no proposals of a Treaty already made, but what is good for England. Therefore, I move, 'That an Address be made to the king, &c.'

[illegible] whole.

[illegible] come up to this proportion, that Flanders is reasonably to be preserved? If not, you had better keep your money in your pocket, to preserve yourselves [illegible] I can come up to it. If Treaties are [illegible] [illegible] it must come up to them. Show us that Flanders may be preserved, [illegible] these gentlemen.

Mr. *Palmes.* You debate upon two questions; let whatever question be put, gentlemen may think it reasonable enough. The reason of bringing in Hanover Treaty was only to instruct you what advantage to give your forces the next year. Our circumstances are such, that, if you break into these treaties now, you will discourage your friends, and encourage your enemies. I would be thoroughly informed of the reason of your losses last year, and the reason of increasing your forces. Till you are well informed, there is no haste for this question any more than for the other.

Col. *Granville.* I believe that the committee thinks, that, when general Talmash rose, he would have given you an account of Flanders.

Mr. *Palmes.* What fruit will gentlemen expect from this Address? If to prevent these Treaties for the future was the only intent of my motion.

Mr. *Montagu.* This question must grow to a decision, and I wonder, all this while, that we have been upon a collateral question. If the Hanover troops, speak to it, that be the proper question. As a ninth elector, he gives his quota for Germany. If these troops are not paid by you, they must by France.

Mr. *Harley.* I think the question about Hanover ought to be first put. For what reason is it referred to you, unless first put to your consideration? You told us, we were not precluded. But a tacit reservation for the future, provides that, for the time to come, better care be taken; and I spoke to this first, before any spoke to the [illegible] as to his proportion for Germany, it was said, 'he was not an empty elector,' but the debate now is as to Flanders. This question is first, in order, to be put.

General *Talmash**. At the beginning of last year, the French came with [illegible] and [illegible] horse and did not think it [illegible] [illegible] [illegible] French afterwards attacked Huy; upon which the King sent for the [illegible] at Maestricht; but the governor did not defend the town so long as he might have done. Afterwards happened the affair of Landen, [illegible] [illegible] In consequence of losing these great towns, the French [illegible] towards [illegible] Ostend. I have been told, Nieuport may be made a good port, which will annoy our trade very much; and besides, the Hollanders will be [illegible] [illegible] what the [illegible] if the war continues [illegible] the concert proposed [illegible] till peace, or join with France. If the committee will increase their forces, I hope it is the way to make a good peace. A peace may now be had, but upon such terms, as [illegible] the present debts are paid, you may be engaged in another war. It may be thought that I, having a great estate, am ready to put [illegible] to a great charge; but, I do declare, I am as weary of the war as any person, and as desirous to have an end of it: and, though I cannot answer for the success of the war, yet [illegible] these will enable the king to [illegible] the field with a good army, they may be able to preserve Flanders: and therefore, I conclude, to move the committee to augment the Forces for 1694.

A Petition of the Quakers rejected.] Dec. 10. A Petition of the people called Quakers was presented to the house, and read; setting forth, That because [illegible] they cannot take an Oath; so that they have been [illegible] seized, and bodies imprisoned; and prevented [illegible] an oath; wherein the law hath not provided for the Petitioners relief: and praying leave to bring in a Bill [illegible] —Resolved, That the said Petition be rejected.

Articles of Impeachment against Lord Coningsby and Sir Charles Porter.] Lord Bellamont* presented to the house Articles of Impeachment of High Treason, and other [illegible] Misdemeanors, against Thomas lord Coningsby, and sir Charles Porter, late Lords Justices of Ireland; which were delivered in, and read at the clerk's table, as followeth: viz.

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* A gallant officer, who had had a considerable share in the reduction of Ireland, and had served this year with reputation in Flanders, where he brought off the English foot after the defeat of Landen, with great prudence, bravery, and success. But being sent, the summer after this debate, on a desperate attempt against Brest, he was repulsed with great loss, and wounded, in Camaret-bay, and was himself shot in the thigh, of which he died in a few days, much lamented: 'For,' says Burnet, 'he was a brave and generous man, and a good officer, very fit to animate and encourage inferior officers and soldiers; but he was much too apt to be discontented, and to turn mutinous: so that upon the whole, he was one of those dangerous men that are capable of doing as much mischief as good service.'

* An Irish peer, appointed, in 1695, governor of New York, [illegible] put a stop to piracy, with which the American colonies, at that time, abounded.

[illegible] which instructions did, among other things, di- [illegible] them; but the said lord Coningsby, in the [illegible] militia: and further, in his Instructions, ordered all governors of counties to subject the [illegible] a voluntary service.—2. That the said lord C. intending to bring their majesties good Protestant subjects of Ireland into a dislike of their majesties government, did, traiterously, arbitrarily, and against the known laws of the said realm, exact and force Free Quarter for the Army: and did also, by force of arms, levy [illegible] most considerable gentry of some counties, for the more regular subsisting a greater number [illegible] the same offers; so that the country thereby [illegible] in the army before Limerick, by obliging the [illegible] and other provisions, as went to the camp; whereby, all or most of the sutlers being forced [illegible] great numbers of the soldiers perished for want.—4. That the said lord C. assuming to [illegible] all law, did, in council, traiterously, and by [illegible] of some of colonel Foulke's soldiers: but the said Sweetman giving all his real estate, to the value of 200*l.* per annum, to Mr. Culliford, [illegible] der: and the said Gafney was immediately ex- [illegible] and carry on a trade, with the subjects of the [illegible] the great trust reposed in him; and the better to [illegible] want of their pay; which by due application [illegible] C. further traitorously abusing his said great trust, and betraying their majesties honour and interest, did, during his whole government, [illegible] of taking their legal remedies against the pa- [illegible] before set forth, were done and committed."

[illegible] sir Charles Porter knight, another of the late Lords Justices of Ireland.

[illegible] a great Charge. 'traiterously and violently' [illegible] myself, with sir Charles Porter, desired a pardon; as those in my station have done before. The king granted it. I was in the country when this lord put in a caveat, because the [illegible] count of this Charge, which was the same in effect at the council, as this here; and it is now come to a further accusation. Most of these things called 'Traiterous,' most Protestants [illegible] tion from me, I desire a Copy of the Charge.

Earl of *Bellamont*. This is a business of consequence, and I cannot trace this lord in what he has said. But I have good evidence to prove the Articles. I am a stranger to methods, and I know not whether I am right in forms. I have a charge against sir Charles [illegible] Stores, when I have your order for certain [illegible]

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* Lord Chancellor of Ireland, and another [illegible]

Sir *Charles Porter.* This is a great attempt, [illegible] putations in question. I have done all for the honour of the king, and the good of Ireland. [illegible]

[illegible]

Mr. *Palmes.* I stand up to method. This is a heavy Charge against these persons. The question is, 'Whether you will refer the matter to a committee, or call in the Evidence?'

Sir *Edw. Seymour.* I remember proceedings in things of this nature. You have heard the [illegible] Answer; as formerly has been done. I speak experimentally. I have had a Charge against [illegible] for [illegible]

Sir *John Lowther.* This being an Impeachment [illegible] and, no doubt, will deny it. They may have a copy, and give their Answer.

Sir *Edw. Seymour.* I have told you what [illegible] I hope that will not be drawn into precedent. This proceeding is different from other courts —[illegible] He has a happy remembrance in some things, and forgets others. He said, 'Let the wit[illegible] the house thought it frivolous, and put it off to be proceeded at law.† Then the Evidence [illegible]

[illegible] issue, you are in a right method. You have had the Information, and the Answer; and it [illegible]

Sir *Christ. Musgrave.* I doubt you cannot [illegible] place. I would gladly know, if such a mis[illegible] for perhaps the Answers of the persons may [illegible] I would order them a copy, and not straiten [illegible]

[illegible] against these persons is not true; but it is for [illegible]

[illegible] reflective Evidence upon sir Richard [illegible] that I would kill the king, I know no way but [illegible] thing. I would do it, in this case. A man [illegible] of such discourse. A man must be an idiot, [illegible] Richard Reynolds, of no great moment.

Resolved, "That this house will, on the 2[illegible] the said several Articles."

[illegible] read, and several witnesses called in and exa[illegible] severally heard in their places; and being [illegible] the consideration of the said Articles, article by article. And on the 29th, the house Resolved, on the 1st Article, "That the imposing [illegible] fit to ground an Impeachment upon it." In [illegible] peared. And lord Coningsby and sir C. Porter [illegible]

Dec. 18. The house went into a grand com[illegible]

[illegible] whether, if a lord is in possession of a com[illegible] troubles! [illegible]

[illegible]

Mr *Hutchinson.* To the word 'holden.' It [illegible] veniences mentioned. I doubt not but the [illegible]

[illegible]

Mr. *Foley.* One of the greatest crimes the [illegible]

Mr. *Palmes.* If gentlemen desire a qualification of this Clause, viz. a Parliament to be holden, I would so do it, as not to lose the [illegible] them say so, or no bill. If it intrenches [illegible] this Clause.

Sir *Christ. Musgrave.* All the arguments [illegible] the bill. In Charles 2d's time, a parliament [illegible] lords. But you are told, 'That this not agreeing with the lords will make a difference with [illegible] and our Allies be lost.' I hope kings will think [illegible] oath; and the king is no more absolved from [illegible] their allegiance. I think we have a just right to annual Parliaments. If the word 'summoning' do offend, you may qualify a Clause for it. But I see that all this exception is to throw out the bill.

Mr. *Wharton.* I would not postpone the clause, which will give discountenance to it, if [illegible] ple of England. If annual be too quick, I shall [illegible] for postponing it.

[illegible] them. But I would not tie the house's sense by such a question. Now you debate upon the Clause, (which was read) I find ambiguity in the word 'holden.' Some think it 'a session,' and others only 'to be assembled' but offer qualifi- [illegible] crown to give reasons for it. To have a parliament annual, it will be too great a burden to [illegible] crown: I move, That those words 'once every [illegible] their power, as you will not do in Money; and [illegible] vernment stand still? I am therefore for this [illegible]

Mr. *Wharton.* I think this reason now a [illegible] a remedy. Our ancestors had a right to annual [illegible] thing away, though but a supposition of the right. We have found inconveniences for want [illegible]

Mr. *Montagu.* The matter is not 'frequent parliaments,' but 'not every year.' 'Tis said, 'Dissolution makes an end of controversy;' but there may happen such a juncture, [illegible] year expired; that we know not the inconven- [illegible] But passing a clause so ambiguous, a law with- [illegible] upon. When perhaps it will not be in the [illegible] a senate of Venice.

Sir *Francis Winnington.* 'Holden' was a word in all ages, and I wonder it should be [illegible]

Dec. 20. The house came to the following Resolutions. "1. That the number of Land [illegible]

3. That four new English regiments of Dra- [illegible]

2 [illegible] 77*l.* 4*s.* [illegible] allowed for [illegible] [illegible] tion to the Land-Forces for the year 1694. 7. [illegible] drugoons and foot, for the year 1694."—And [illegible] the Navy [illegible]

Resolutions with respect to the Navy.] Dec [illegible] land. 2. That towards raising the said supply, a duty of 3*d.* per gallon be laid upon all Foreign Salt. 3. That towards raising the said supply, a duty of 1½*d.* per gallon be laid on all [illegible] Salt, to be [illegible] at the [illegible] works by [illegible]."

Debate on the Bill for frequent Parliaments.] [illegible]

Sir [illegible] this Bill is, because I think it not for the public [illegible] are due; but I expected the Speaker would have [illegible] down this bill. If after a bill be once rejected, [illegible] understandings: Where the remedy is worse than the disease. You have shewed your like of frequent parliaments; you have wiped off [illegible] and all we do is to be sent home again. This [illegible] with other things, yet the intention is dissolving this parliament. The question is much altered [illegible] perpetuate themselves: the reason was, they [illegible] complaining of their judicature; and this bill subjects you to their dependence. This is

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* "The queen during her administration of the government, had issued a Proclamation [illegible] the winter, which was closed with a solemn [illegible] ence to it, should be paid their wages, down to [illegible] was called mutiny) could suppress it. When, [illegible] was also suggested that a sum of money would [illegible] 400,000*l.* was granted by way of advance; and the said grant was accompanied with a Resolution [illegible] could be raised on the credit of the exchequer [illegible] lenders repaid with interest, after the rate of 7 per cent., under a caution, however, that this [illegible] seemed to imply a suspicion, that the Accounts [illegible] present [illegible] time to come; on the contrary, when certain [illegible] to furnish them with sufficient matter to warrant an instant inquiry, instead of receiving [illegible] as if they themselves had been the criminals." Ralph.

† On which [illegible] of the Tars themselves set forth a Hand-Bill, which began with these words: "All Gentlemen Seamen [illegible] shall have, for encouragement, fair promises [illegible] can catch it, and be hanged for mutinying if [illegible], &c."

As also a Ballad, in which are the following Stanzas.

[illegible]
Only poor Seamen, who alone,
Do keep them in their Father's Throne,
[illegible]

In the last Stanza are these lines:

[illegible]

[illegible] visiting him, and would be sent away? This was [illegible] tue of this bill, you may never have parliaments [illegible]

Mr. *Godolphin.* I hope, that, by the lords [illegible] solving this. I am against the timing of it: [illegible] roughs, and here; and, till you set the manner of elections right, you repair the top of the [illegible] this bill is not for the safety of the government, and I humbly beg leave to have it rejected.

Sir *Christ. Musgrave.* I hear many objec- [illegible] I think it is the right of either house to send bills. It is not regular to take notice of what [illegible] much for our constitution as frequent parliaments, and yet, with all this, I am not satisfied [illegible] parliament, I like that well, and I think it ab- [illegible] meet, I would have them do something. There [illegible] If the king calls a parliament, and 20, 30, or 40 of the people complain of a grievance, the king has justified himself, he has a law to warrant him. If you find that king James the 1st made a long prorogation, and Charles the 1st [illegible] that Clause. The king may call them, and [illegible]

Col. *Titus.* It is no objection that this bill came from the lords. I fear not a good thing from them. We have had none a great while. [illegible] be dissolved; but if any of his friends had set [illegible] them. Though I desire to be dissolved, shall [illegible] ever so well themselves? As for the disobligation to the people: good parliaments they desire, and I never saw long parliaments good ones. A picture new drawn may be like the person it represents; but in time the colours [illegible] would have a picture like, it must be new drawn. And this bill is to celebrate their fu- [illegible] prevail. I am for the bill.

Sir *John Thompson.* I second the motion for [illegible] greatest argument I have heard against the bill [illegible] and I hope we are, too, of our liberties. A word was said, 'That the reason of the inva- [illegible] circumstances.' At Oxford, in the Impeach- [illegible] judge none but peers; and that parliament was [illegible] viso. I see no use at all of it, in 3 or 400 years. Prorogations have been useful, so may dissolu- [illegible] happens between the two houses, and is a remedy without this Proviso. I am against it.

The Clause was rejected.—A motion was [illegible] last Clause in the Bill, viz. "That a Parlia- [illegible] of their assembly," be left out of the bill: it [illegible]

[illegible] *Proceedings in Parliament.*] Jan. 5, 1693-4. The following Reasons to be offered at a Conference with the Lords, for rejecting their Amendments to the Bill touching free and impartial Proceedings in Parliament, were read and agreed to by the house, viz.

"That the leaving out the last Proviso, with part of the clause preceding, and supplying the [illegible] House of Commons, being frequently a person eminent in the law, is by his constant attendance in that chair hindered from his prac- [illegible] commons in the choice of their Speaker will [illegible] agreed to the said Bill.

Protest thereon.] Leave having been asked [illegible] said question, the lords whose names are underwritten do dissent as followeth: "Because that an Act that complains of Corruption in [illegible]

[illegible]

[illegible] cepted from the general rules prescribed to [illegible] than a great many of the members can do to- [illegible] bility of corruption in him by a law, which we [illegible]

[illegible]] Jan. 10. After consideration of the Expedition [illegible] relation to that business, the lords resolved [illegible] well in the Execution of the Orders they received.

Protest thereon.] Leave having been asked and given for any lords to dissent from the aforesaid Resolution, the lords whose names are [illegible] after their parting with him, he should steer [illegible] be thought most safe by a council of war, with relation as well to the Brest Fleet, if gone out to sea, as the Toulon squadron: it does not [illegible] their parting from the Streights Fleet; which last council of war was not called till after the [illegible] or General to use his utmost endeavours to disco- [illegible] give intelligence to our main fleet, at a station appointed, before they parted with sir George [illegible] fleet. 5. It appears by the Admiral's own let- [illegible] that part of the Admiralty's order of the 19th, [illegible] looks as if they rather designed an artificial ex- [illegible] it, and may be of ill consequence, by giving our allies no very fair prospect of better success. 8. Because by this Vote is prevented any further [illegible] arise from new evidence; and it may stop any [illegible] Ossulstone, Clifford, J. Bridgewater, Devonshire, Stamford."

The E. India Company obtains a New Charter.] [illegible] on the 11th of November last, obtained a New Charter, whereby they were impowered to raise [illegible] son not exceeding 10,000*l.*; several merchants and others, on the 7th of Dec. petitioned the commons for erecting a new East-India Com- [illegible] mature deliberation, this day resolved, "That [illegible]"

Order for observing Decorum in the House.] [illegible] this house shall be grave and orderly, as becomes so great an assembly; and that all interruption should be prevented by it: Ordered and declared, "That no Member of this house [illegible] be in reading, or opening: and in case of such noise or disturbance, that Mr. Speaker do call [illegible] turbance, and that every such person shall incur the displeasure of this house."

[illegible]] [illegible] session, under the title of 'a Bill touching free [illegible] went through the lords as well as the com- [illegible]

[illegible] into a grand committee on the State of the [illegible]

Sir *Tho. Clarges.* I am sorry for the occasion of the committee. I will not say any thing [illegible] Former practice hath been to have the bills to be passed, read, and debated, in council; nei- [illegible] were first passed; and after that, the Money given. Now, in great respect to his majesty, [illegible] ued redress. I cannot think the king to blame, [illegible] with us in any thing, to make us happy. I [illegible] for the rejection of this Bill. I believe, the [illegible] effect, one to another, as in the Rump, which was their ruin, and may be ours. I conclude with a motion, 'That the Advisers of the Re- [illegible]'

Mr. *Brewer.* All agree, that the king hath a negative voice to Bills: nobody hath a greater [illegible] Bill rejected was liable to exceptions. I gave [illegible] but will never give my vote to unking him. I [illegible] exercise his negative voice.

Sir *John Thompson.* When I gave my voice to make the prince of Orange king, I thought to [illegible] matter go, and nothing be done, I expect no- [illegible] you consider your Fleet, your convoys: look [illegible] to the cabinet; but there we must leave it, for [illegible] Cabinet, but he was taken down for it; so was king James, his son, and made a vagabond. All debates should be in council; now al- [illegible] told us where the Miscarriage lay: I hope that, by an Address, that will be laid open with the rest; and I conclude with the same motion that [illegible]

Mr. *Bromley.* I shall be careful not to speak about the negative voice. I would have gen- [illegible]

of the like now: the Bill offers Remedy, but [illegible]

Mr. *Hutchinson.* Neither our zeal for the [illegible] as the false counsellors, who are worse than Jacobites. They may now object, 'That we [illegible] very cool: it may give the king occasion to [illegible] know little of.

Sir *John Lowther.* I find it difficult to say any thing, in my post. I know myself to be an honest man, and I am an Englishman too. I neither have gotten by the court, nor ever will. I believe there may be evil counsellors, but who they are will be a dispute for ever. [illegible] the other, nor speak plain; and what can be [illegible] all will be well; all will speak plain. I would propose to you, to contrive some way that the king may have a Council that both you and [illegible]

[illegible]

Mr. *Harley.* I think *Lowther* has told you the true state of the case. I think the great- [illegible] great to be suspected in this matter. I hope [illegible] therein. At the first Revolution, if care had [illegible] by some to the contrary. I conclude, that we can do no less than put a mark on some, by [illegible]

[illegible] 'Noes' to the contrary, as follows:

Resolved, "That it is the opinion of this [illegible] which was to redress a Grievance, and take off [illegible] mons in parliament, is an enemy to their ma- [illegible]

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* Sent to Mr. Grey by Mr. Walmon [illegible]

* Second son of the earl of Lindsey, and [illegible]

Mr. [illegible] [illegible] right, and the other in the wrong. I would [illegible] please to discover by what Advice the Bill was rejected.

But there was a general 'No!' thereto.

Mr. H[illegible] [illegible] Corruption. The king, indeed, hath a negative voice; so have you in Money; and when [illegible] that they are in condition to give. We ought, therefore, [illegible] majesty, 'That whereas we lay under great imputation of Bribery, we were endeavouring to clear ourselves of it, by the Bill rejected.' I move, therefore, 'That we humbly represent [illegible] instances are, in former times, of Bills being rejected; more [illegible], where Money has been plentifully granted.'

Sir *Francis Winnington.* The last gentleman calls me up. I am for the negative voice, and prerogative; but if the negative voice shall ex[illegible] We [illegible] and have always come up to that which has been required. I think very well of many gentlemen that have offices; but I believe they would [illegible] members of parliament. This Bill, and the Triennial Bill, tend [illegible] uncorrupt; and if the king shall make use of his negative voice, in such a case, it is very hard: I humbly propose, 'That we may address, that such Rejection may be a means to alienate the hearts of the people.' I would not [illegible] we may have some breath.

Mr. *Paul Foley.* I believe the king hath a ne[illegible] so; but if this be made use of to turn by all bills, and things the court likes not, it is misused; for such a prerogative is committed to [illegible] great scandal to us, and this bill was for clear[illegible] small an instance! I conclude with the mo[illegible]

Mr. *Home.* I believe our mischief arises from [illegible] served, from Parties in council, who thereby raise themselves upon one another. I have [illegible] try be to no purpose? I was for deposing king James, and for setting up king William; but we have committed a great villainy, if we settle not our Liberties on a true foundation; but if we do that, we have done a glorious work. A Bill in Richard's time was presented; the B[illegible] it, 'Because,' he said, 'he was bound by his Coronation Oath.' A Petition in parliament [illegible] of the commons.' I hope we say nothing here amiss, since we have so lately asserted the Divine right of this house. I say, it was no news anciently to oblige the king to call a parlia[illegible] and Charta de Foresta, were given. In the [illegible] dered. I conclude with Harley's motion, and others, 'That an humble Representation be [illegible]'

Sir *Walter Yonge.* I would have gentlemen [illegible] for our good. I would not have the Triennial Bill named in the question, but I desire the [illegible]

Mr. *Clarke.* I second the same.

Sir *Henry Goodrick.* To agree so solemnly, in such an Address, is so severe upon the king, that I cannot agree to it. His majesty being so much abroad for our service, venturing his [illegible] of parliament. I would humbly move therefore, 'That an Address be made upon the first [illegible]'

Mr. *Charles Montagu.* I shall always be [illegible] bill, as well as on any other; It was formerly [illegible] of right and justice. But this is for altering your constitution, not to allow the king a nega[illegible]

N[illegible] Debate, [illegible] But almost all before, and many other also, spoke to the stating the questions, about which [illegible] 'That it should be an humble Address,' which was taken to be of a softer nature than 'a Re[illegible] word as 'a Remonstrance.'

Resolved, "That a Representation be made to his majesty, humbly to lay before him, how [illegible] to several public bills; and particularly to the [illegible]

[illegible] † Sic Orig.

[illegible] ing the reputation of this house; after their [illegible] Occasions:" Which was agreed to by the house, and a Committee was appointed to draw it up.

[illegible]

"We your majesty's most dutiful and loyal [illegible] crown of England; especially where the same [illegible] Council, thereby creating great dissatisfactions [illegible] your subjects, cannot, without great grief of heart, reflect, that, since your majesty's accession to the crown, several public bills, made [illegible] not obtained the royal assent; and, in particular, a Bill intituled, 'An Act touching free and [illegible]

The King's Answer.] Jan 31. The Speaker [illegible]

"Gentlemen; I am very sensible of the [illegible] shown for our common interest: I shall make [illegible] prince ever had a higher esteem for the constitution [illegible] and that I shall ever have a great regard to the [illegible] I shall, by all means, endeavour to preserve; and I assure you, I shall look upon such persons [illegible] in the present conjuncture; and therefore [illegible]

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* Instead of this last Paragraph, the following [illegible]

* In the Jacobite paper, called, "The Price [illegible] "It might have been expected, that a direct [illegible] would not have satisfied, if the *Adepts* had not found their account in a previous treat of a [illegible] given such an Answer upon a Petition of Right, [illegible] hornet's nest: and no less than the voting a [illegible] a more satisfactory Answer, would have contented the house." And, again, "How can any say, 'He hath a great regard to the Advice [illegible] persuaded, 'That nothing can so much con[illegible] interests; and the majority of the representa[illegible]

Debate on the King's Answer.] Feb. 1. M[illegible] Pa[illegible] [illegible] Answer to the Representation [illegible] to what is [illegible] settlement in the point, to have all our reasonable bills of right to be passed; but since it can be no otherwise [illegible] vances to our Money-bills; for we have just Fears and Grievances as long as we have a standing Army. The king tells us, 'He has a great regard to our constitution [illegible] it appears not that he understands our constitution, [illegible] to be [illegible] so just Grievances. I move 'That an humble Address may be made to the king for a farther Answer.'

Sir *Robert Cotton.* What is said in the king's Answer tends to [illegible] reads each Paragraph, [illegible] sentences descants thereon, like a courtier.)

Mr. *Hutchinson.* The king says, 'He is sensible of the good affection we [illegible] on *many* occasions:' I am sorry it should not be expressed on *all* [illegible] given us in his Answer. I think that, unless [illegible] the king cannot [illegible] (And [illegible] on Officers.)

[illegible] It is hard to reflect on [illegible]

such nice distinction betwixt 'many occasions' and 'all occasions.' I think [illegible] Answer [illegible] purpose [illegible] Representation [illegible] this Answer [illegible] the king should take occasion to say, 'That he is sorry he did not pass the Bill, [illegible]' These expressions [illegible] not become his majesty. I think it hard that such reflections should be upon those in Office, to be represented false to their country: pray let them be proved false, and [illegible] severe as you will; but till such falsity is proved, [illegible] both. We have [illegible] es without doors, some at the very doors of the house, others at cabals, who would be [illegible] of our dissatisfaction with the king's Answer. But I, for my part, have a way how to [illegible] contrary to what our enemies [illegible]

Sir *John T*[illegible] I remember that [illegible] last, hath a very uncertain rule to guide his [illegible] to make room for their better fortunes. I am [illegible] and the king, but betwixt this house and the ministers, which if we remove not, they will [illegible] your ancient [illegible]

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endeavour to preserve it; when, contrary to [illegible] may be found in the assertory part, it will be [illegible] the promissory part of the Answer, in these words. 'And, I assure you, I shall look upon 'such persons as my enemies, which shall advise any thing that shall lessen it.' Even Oracles [illegible] dom: here those are characterized who must be reputed enemies to the king only. It is not *tanti*, whether they be enemies to the kingdom or not, so as they be fast friends to the king. How dexterous soever the Advisers of the Answer thought themselves, they [illegible] and [illegible] Address of that importance, will more than once rivet it in the minds of the people, That a Pensionary Party, however unfaithful of the interests of the body of the people, are only to be caressed, and have the character of friends; and the true patriots of their country must be calumniated with the epithet of [illegible], who lessen the confidence between king and people."

During the Session also, another Pamphlet was published (which is still extant in the State Tracts of this reign) under the Title of 'A Dialogue between Whig and Tory,' with a free Dedication to king William, in which is the following remarkable Passage: "In the next place, [illegible] ing yourself in Elections of members in parliament, [illegible] The parliament is a sacred part of the English constitution; and like the Israelites Ark of old, is not [illegible] but with great [illegible] to those who touch it so. And, therefore, Sir, it will be your true interest to leave the people free to their choice, and the members free to their opinions when chosen. It is still fresh in [illegible] the [illegible] late reigns, in corrupting Elections, and closeting [illegible] and they had reason to resent it; for if, for the sake of a vote, a member of parliament shall be placed in an office of trust he is not fit for, [illegible] once: for to speak in the phrase of the ministry, it is making a parliament of Clouts, and an officer of Clouts at the same stroke. Rejecting Bills offered by parliament, of public benefit, and for securing our ancient government, and the [illegible] Rights of the subjects, was highly displeasing to the nation [illegible] in the late reigns and will be so in all reigns; as was likewise the denying the people their undoubted right of frequent parliaments. They had, [illegible] in the late governments, an inclination to make a pump of the parliament, and by pouring a pint of water, to fetch out a tun; this was [illegible] most provoking to the nation, and treasured up wrath against the day of wrath."

[illegible] will become of you hereafter? I take the king's Answer [illegible] parliament. I would humbly address the king for a farther Answer, more satisfactory.

Mr. Comptroller *Wharton.* I am sorry that any exception [illegible] would be a difficult thing to draw up so many lines as the king's Answer [illegible] exactly, that it should not be possible for men of fine understanding [illegible] thereto. I take the Answer to be a promise, that, for the future, his majesty will pass our public bills. I find that those that are most dissatisfied, will not come up, neither can, to say that the king has not a right to reject bills: yet I am of that mind, that the ministers that advised, [illegible]

Mr. *Bathurst* spoke as usual.

Sir *Charles Sedley.* I know not how a [illegible] said he was not well heard.) I move, to rest satisfied.

Sir *John Lowther.* The exceptions taken to the king's Speech, I [illegible] strong. I think the exception by a worthy member (Hutchinson) was rather a grammatical nicety. Next, I wonder much at an ex[illegible] think it a gracious Answer.

Col. *Granville.* I think there is but one objection to the king's Answer, [illegible] that it is not Answer [illegible] same reason, I think fit to make a Representation [illegible] answer. I therefore declare, I am for farther application for a farther answer.

Col. *Mordaunt.* I question whether the Answer called 'Gracious' yesterday be so today. I think it doth not answer the intention of the ge[illegible] neither doth it answer the body, but I am of opinion that it answers the prayer at the ending thereof. I would willingly have a better Answer, but not [illegible] s nting, which will show we did not well at first. But I would have us stay and observe what the king will do, for the future, in passing bills.

Mr. *Henry Herbert.* Your prayer is 'That, for the future, &c.' And the king answers, and says, 'He shall have regard to Parliaments;' which I take to be a promise for the future.

Mr. *Harley.* I could have wished his majesty's Answer [illegible] been satisfied: I could wish it had been more categorical and particular, and not an Answer by inference only; for one man will make one [illegible] The king hath formerly said, in public Speeches and Declarations, '[illegible] passed Bills for the satisfaction of his people;' and I could have wished this had been passed. [illegible]

Mr. *Norris.* I think, the next time a public [illegible] occasion to address for a farther Answer.

[illegible]

I could better have let this matter have rested; [illegible] the king's Answer, I think fit to expect farther answer; for this is so general, that the answer will serve any thing, and for the future will be the same to all [illegible] an answer to [illegible] reigns; in this I expected a much better.

Admiral *Russel.* I do not agree at all with the lord that spoke last before me. I do not fear the king will make this answer to every thing; for to me it seems plain that he promises for the future. I think, very great reflection hath been made upon those that have Places. I acknowledge I have one, but I am [illegible] the Answer.

Sir *J[illegible] Knight* [illegible] nothing to the [illegible]

[illegible] to order, and says, You have given that worthy [illegible]

Brigadier *Leveson.* I observe an objection, 'That the king's Answer [illegible] to any [illegible]?' At such a rate of receiving the king's Answer, [illegible] the Representation, should have gone to have [illegible] Answer.

Mr. *B*[illegible] be put, '[illegible] a farther Answer should be required, or not,' I would have the condition of our affairs considered, [illegible] is our condition. I do not justify the Answer [illegible] by, and at this time I would have us rest satisfied.

Sir *Christ. Musgrave.* You have a great matter before you, 'Whether you have an [illegible] choly: for, suppose that we should have peace, [illegible] swer, which I think neither an answer to the [illegible]? He only says, 'He will have a regard to parliaments.' For my part, [illegible]

[illegible] be said? And plainly nothing is said, 'That [illegible] be some ill private counsel; since I hear from [illegible] for a farther Representation.

Sir Walter Yonge. I cannot agree, 'That no [illegible] you 'He would consider, and give Answer,' [illegible] your bills without taking Advice of any to the [illegible]

Mr. Smith. Was I not afraid that the negative voice should be made a farther use of, I would have let this question have rested, most contentedly. The question, 'Whether we should address farther, or not,' is a dangerous question: therefore I think it best to wait, and [illegible] up for itself.

[illegible] Fleet, and Army for the year 1694, a Fund of [illegible] fund. 3. That for the farther answering, and [illegible] the 2nd year of their reign, be granted and [illegible]

The Million Annuity Bill passed.] Feb. 8. [illegible] by a former Act, to secure certain Recom[illegible] towards carrying on the War against France [illegible] Controversies concerning Royal Mines.'

[illegible] *Members of Parliament.*] Feb. 9. The house having ordered Mr. Robert Squibb to return [illegible] Parliament, [illegible]

[illegible] Offices; or, in consideration of Estate par[illegible] crown for lands, by contracts made many years [illegible] terest for the same; or, to be returned beyond [illegible] of the Commissioners, hereafter follow; to[illegible] the like nature, as shall come to their know[illegible]

Payments made by Wm. Jephson, esq. viz.

[illegible] 21, 1689, to June 5, 1691 - -	2,799	14	6
July 2, 1690, to T. Papillon, esq. Free-Gift, and Royal-Bounty -	150	0	0
[illegible] as he deposed, neither directly, [illegible] that of any other member - -	1,000	0	0

[illegible]

[illegible] esq. for a [illegible] 1693 - - - - - - - -	105	0	0
To sir Stephen Fox, on a Pension [illegible] purchased of Mr. Hamilton, in 1665, for a valuable consideration, for 2½ years - - - -	300	0	0

[illegible]

May 1689, a Grant and Demise, to pass the [illegible] it in the crown; and the house of commons [illegible]

[illegible]

Grant of Walwood in the Forest of Waltham, [illegible]

[illegible] ful services, especially destroying a considerable part of the French fleet, in 1692, a Grant [illegible] upon it.

[illegible] and 2,500*l.* for Secret Service, to Mr. Guy."

[illegible] Mr. Rainsford's Examination, and lord Falk- [illegible] of Accounts, being read, and lord Falkland [illegible] being made, and the question being put, "That lord Falkland, being a member of this house, [illegible] solved, "That lord Falkland be committed to [illegible] this house; and that Mr. Speaker do issue his [illegible]

[illegible] *Cause of the Earl of Bath.*] Feb. 17. After hearing counsel several days, at the bar, upon [illegible] guardian, from a decree of dismission made and pronounced in the Court of Chancery, the [illegible] others, Defendants; as also upon the several [illegible] at law, his guardian, put in thereunto; and [illegible] bate thereupon: It was this day Ordered and [illegible] tion and Appeal shall be, and is hereby, dismissed this house; and that the Decree of [illegible]

In the course of the debate upon this import- [illegible] spoke as follows:—"My lords; I have been [illegible] this matter nearer to a resolution. Most of your time hath been taken up in things which [illegible] extends, as a court of equity, in a matter, which is determined at common law by a jury. [illegible] ness, I shall consider, 1st. How the matter [illegible] thod is to be taken for a resolution in it. 1st, [illegible] from the court of Chancery; where the ques- [illegible] exceptionable jury after a fair hearing of the cause. Against this deed a will is set up, made [illegible] fore his death, and is since approved by a sentence of the court of delegates, and by a de- [illegible] children; nor of justice, as in case of creditors, or purchasers; and therefore the point proves [illegible] equity can relieve against a deed found at com- [illegible] is relievable here. For equity, as it is understood here as to a court of equity, is some con- [illegible] be relieved, which cannot be relieved at common law. It is a groundless imagination in any to suppose, that a court of equity among us is founded upon or managed by the maxims of the canon or civil law. The true occasion of it was, that when the courts of law in Westminster-Hall came to be settled, they were limited in their jurisdiction by their original constitution, which the judges by their oath were bound to adhere to. And it was necessary it should be so; for otherwise law would have been a very uncertain thing. But it was found, that there were many cases of fraud, accident, and trust, which grew more into use after the quarrels about the titles of York and Lancaster, and the Statute of Uses, 27 H. 8, which were fit to be relieved in the court of chancery, even after verdict at law, notwithstanding the statute of 4 H. 4. c. 23. And this continued and necessary practice made this a part of the law of the land. From hence, all causes that had reason to be relieved, and yet had no relief at common law, came to be accounted causes of equity; and from the inferior court of chancery, appeals have lain to this supreme court both of law and equity, as it is by the constitution of our government, and it was both, before the courts were settled in Westminster-hall. I do not say that there were always the same methods of appeals and writs of error, (as they are now) for both are modern in comparison: The ancient way was by petition in both cases, as all know, who are conversant in parliament-rolls. This cause comes now by appeal from a decree in chancery; and the point is, what matter of equity there is to be relieved in chancery after a verdict at law. We cannot here arraign the verdict of law, which hath passed upon the oaths and consciences of those who are proper judges of the fact; and, therefore, the truth of the deed, as to the signing, sealing, and delivering of it, must be supposed by us, and consequently all the objections which have been made against the credit of the deed, are not to be considered by us; nor any imaginations of a possible resulting trust, if the deed had some passages in it, which are not, as the deed was found by the jury. Here then lies the main difficulty: After this deed of 1681, the duke makes a will with great deliberation, and signs and seals it in the presence of three credible witnesses. In this will he disposes his estate quite otherwise than he had done by the deed; and the question is, Whether he, being the true owner of the estate, and having a disposed mind, could not [illegible] and by his will revoke the former settlement; and if so, and some circumstances be wanting in the manner of revocation, whether a court of equity may not supply the defect of these circumstances? This I take to be the true state of the present case, and that I may find a way to the clear resolution of it, we are to consider, 1st, That if the different disposals of the estate had been [illegible] the latter had been a [illegible] that [illegible] had really a disposing mind. 2dly, That if the deed had been [illegible] [illegible] [illegible] been an absolute conveyance without any power of revocation, the will could not have voided it; for otherwise the force of deeds would be made void, and the law of settlements overthrown. 4thly. That if the power of revocation had been absolute, i. e. without any restrictions or limitations of the exercise of it, I cannot but think the will must have [illegible], because it was a real revocation, although not express. 5thly, But here lies the turning point: the power of revocation is limited by [illegible] in the disposing power, and he declares of it, that he will not change his settlement, but under such circumstances: these circumstances are not observed: the question now before your lordships is, whether, as a court of Equity, you can relieve the defect of circumstances in this case? There are three things insisted upon to prove it. 1st, The unreasonableness of such a limited power of revocation. 2dly, The equity and fitness of the case. 3dly, The precedents of relief in like cases. 1st, The unreasonableness of such a limited power; which hath not only been called by some noble lords, an unusual and extraordinary power, but a thing inconsistent with the liberty of mankind, who ought to enjoy the freedom of disposing their own estates. No doubt, according to reason without laws, every man who hath the entire property of an estate, hath the power of disposing his estate as he pleaseth, and this power he retains, as long as he is under no restrictive laws, and enjoys the free exercise of his reason. But when laws intervene, they may so limit and restrain the disposing power, that a man cannot give away his own estate, but in such a manner as the law allows him. Otherwise, after a deed without power of revocation, he might dispose of his estate as he pleased, as well as before. What need any man reserve this power, if it cannot be taken from him? The question is, whether there be the same reason as to circumstances of the power, as there is to the power itself? The resolution of this depends upon the point, whether there may be sufficient reason for a man's power to be so limited, as to make it void if those circumstances be not observed? If it be reasonable for men by their own consent to debar themselves from their own freedom, to prevent a trouble, which they fear more than the loss of that liberty; then such a restraint cannot be thought unreasonable. Men may be so apprehensive of restless importunities of such whom they have no mind to quarrel with, or of their own weakness and liableness to surprize, that they may, in a free and deliberate manner, bar themselves of the liberty of disposing of their own estates, but under such limitations which are unnecessary, and barely circumstantial. And it is agreed by the most impartial and judicious interpreters of the laws of nature and equity, that if a man makes a w

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* He was discharged, upon his Petition, on the 19th.

[illegible]

[illegible] doth bind himself so far, that a latter will, although never so freely made, shall not obtain [illegible] courts of law and equity abroad, as we are very [illegible] rations, but as a kind of protestation before [illegible] circumstances of a power of revocation must [illegible] bet and Lee's case. It is certain, that the law [illegible] themselves are not so; that without them the act is void; as livery of seisin, as to the pos[illegible] taking a clod of earth in an open field, upon a [illegible] the inheritance of it; or the holding the ring of a door, as to a house, &c. or of a rod, for a copyhold estate? What frivolous things in [illegible] served. What seems more repugnant to natural reason and equity, than the way of fines and recoveries? For therein by mere fiction of law, without hearing the parties concerned, or giving any reason, the next heir at law is barred from the remainder of the estate; and yet there is no relief in equity in this case: but the [illegible] circumstantial. 2dly, But is the law of England so unreasonably severe in these minute circumstances, as to render a solemn and deli[illegible] have no relief in equity? No, I think the courts [illegible] it is reasonable to allow it: that is, in these following: 1st, In matters of fraud and circumvention there is relief in equity, although there [illegible] the case of Courtney and Glanville; wherein there was a notorious fraud discovered after a judgment at law, Cr. Jac. 344; wherein the [illegible] relief; because a jewel not worth above 20l. [illegible] jectures and suspicions; and it must be such [illegible] new trial: but since there hath been no motion [illegible] good; and that such evidence ought not to sway with us now, which, if it had been true, [illegible] a court of equity ought. Surprize is a sort of [illegible] vent the effects of it. Here was a power of [illegible] in a deed by surprize. Was it not in the duke's [illegible] him into such a deed? Is there any thing persons of honour are more sensible of, than being [illegible]

The duke had it still in his power to have re[illegible] several years; and since he did nothing of that kind, it is a great argument to me, that there was no surprize. 2dly, There is ground for relief in Chancery upon not observing all the circumstances in a power of revocation, if any accident hinders the keeping close to them. If there were no allowance for accidents, our law would be very unreasonable. I do not [illegible] lowance for them; but that very thing makes a court of equity necessary. I can hardly [illegible] it seems a reproach to the nation. The case, in short, was this: Throckmorton had a lease from the crown, with a condition, that if the rent were not paid in such a time, the lease [illegible] tained a judgment at law, which was affirmed [illegible] a bill in Chancery; setting forth, that he sent his servant with the rent, at the time, but he was robbed; and as soon as he knew it, he [illegible] equity; which, in my opinion, turns the other way, and shews the necessity of a court of equity in a nation that would do equal justice to mankind; which doth not depend on mere [illegible] from all the particular circumstances, I should [illegible] in equity for relief; but nothing of that nature [illegible]

[illegible]

[illegible] law; and therefore humbly move that the de- [illegible]

[illegible] *for Dispatch, &c.*] March 23. His majesty, [illegible]

"My Lords and Gentlemen; When I consider how far the year is advanced, what Pre- [illegible] I must earnestly recommend to you the dis- [illegible] have under your deliberation.—I am very sensible of the good affection which you have shewn in this, as well as former sessions, by [illegible] gaged in, for our common safety. There is nothing I have so much at my heart as the [illegible] with great reluctance that I am forced to ask such large Supplies: but since our present [illegible] of the House of Commons; I take this occa- [illegible] a number of persons, who came so freely in, for so good a service, brought to the last extre- [illegible] not possible for me to discharge this debt without your help: and as I doubt not but you have a just commiseration of their case, so I [illegible]

[illegible] Several lords who had entered Protections being heard, some of them were struck out, and the following Order made, viz. "It is or- [illegible] lords spiritual and temporal in parliament as- [illegible] Protection in the Book of Protections, until [illegible]"

Protest thereon.] "That the taking off any [illegible] Vote in a pretty thin house, especially when a peer of this house moved on the behalf of the absent lords, that a day might be appointed for [illegible] much concerned, seems in the manner of it to make too light of what this house ought to [illegible] age of England.

(Signed) NORFOLK and Marshal.'

Sir John Knight's Speech, against the Bill for [illegible] this session, a Bill was brought in 'For natura- [illegible] Bristol*, who spoke [illegible]

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* Somers' Tracts, 1 col. vol. iv. p. 272. The [illegible] short Introduction: "The following Speech [illegible] and true English spirit, zealous for the good of their country, and bold in all its dangers. And [illegible] *poor* England become *Old* England again, rich [illegible] set a noble example; and that it may in- [illegible] enable the country to distinguish such from [illegible] this public, from a Copy which I procured from a Member of the House of Commons, who took [illegible]"

Ralph says, that "as no Speech was ever, [illegible] care to have it printed, and dispersed through- [illegible] tation: a notion immediately and universally obtained among the vulgar, that if the Bill took place, all Offices would be conferred on Dutchmen: that from thence-forward they would be- [illegible] prescribe what mode of religion and govern- [illegible] Knight, he was discoursed of as a Saviour, and in a manner adored, for having made so noble a stand in behalf of his country. This exceedingly piqued the contrary party, more especially the courtiers; who, with their usual officiousness, did not fail to do the drudgery of the Jacobites, by applying what had been said of Pharaoh and Joseph, to the king and the earl of Portland; and to make a merit of their endeavours of setting a mark on the offender; for the Print being complained of in the house, and the heinousness of it sufficiently aggravated, sir John was called upon, with such a tempest of rage and clamour, as very clearly shewed, that either he or it were to be sacrificed: and not being altogether so devoted to his party, as to suffer expulsion and imprison- [illegible] Speech; which was thereupon ordered to be burnt by the hands of the Common Hangman, and it was burnt accordingly. But so little [illegible] crisis, that this censure of their's had all the effect of a recommendation: the Speech whe- [illegible]

"Mr. Speaker; I have heard of a ship in a [illegible] ment; (it was not such a sham storm as we [illegible] which deceives the people, by affirming that [illegible] were cast away; though those ships, and many [illegible] was such a real storm, as on the 7th of the last [illegible] of provisions, for the use of our Dutch allies, [illegible] great many widows, children, and poor relations, to curse our conduct at sea, the cause of this calamity. In such a dreadful storm it was (that the foresaid ship was in) when the [illegible] implored the powers that alone can save in [illegible] cabin might suffer no damage.—Sir, I cannot, as that good commander did, be so vain as to [illegible] I serve, can be preserved from the general inundation, which this Bill we are now debating [illegible] and country-men; and therefore be uncon- [illegible] tol were safe: To hope for and expect happi- [illegible] corporation, when strangers are admitted to possess and enjoy, by a law, all that's valuable in the kingdom; for this Bill doth enfranchise all strangers that will swear and protest against popery, with the liberties of every Englishman, [illegible] ages of our forefathers, to secure them to [illegible] Mr. Speaker, I must beg pardon, if at this time I cannot sit silent, but express a zealous concern, as well for the kingdom in general, as for the place I represent in particular; and I am more moved thereunto, whilst I see so many members sent here by their country, for [illegible] so warm as to part with all to strangers with [illegible] the former.—I remember a west-countryman, [illegible] claring his father was a fool to him: I yielded [illegible] and yet our forefathers might be wise men; I [illegible] For myself, I declare in behalf of the wisdom and honesty of our predecessors; nor can I [illegible] they derived unto us, only because some gen- [illegible] mistakenly, than of their parents.—Sir, I was early instructed in a principle of deference to the wisdom of our ancestors; and, at this time, I tremble, when I reflect on the correction [illegible] get, but imitate and defend in all times this rule: Let them only be accounted good, just, [illegible] their forefathers wisdom and experience obtained for themselves and posterity. Now it is [illegible] been taught that rule, but as well corrected as [illegible] wish that they who depart from that rule, and sacrifice our English liberties, to a number of [illegible] men.—The arguments used for the Bill, are in substance these: 1st, A want of Purchasers for our Lands, 2. Of Merchants. 3. Manu- [illegible] English. 4. Husbandmen to till the ground.—To all these I shall return short answers; but if I debate not on them with that advan- [illegible] doubt, with great ingenuity on sea-politics, I hope the house will pardon me; for my obser- [illegible] First, [illegible] we want Purchasers for the Lands; this is a melancholy consideration: I therefore desire [illegible] tell me what it is hath brought us to this condition, that the landed men of England are re- [illegible] ers are naturalized? Doth this prove our forefathers wanted understanding? Or, doth it [illegible]

[illegible] were employed to justify the one, and explode the other: the torrent continued to rage as violently as before; and, for the present, it [illegible] dom on such allies as ours: who, as we have [illegible] abroad, to fight in a strange land without their [illegible] wise precedent of our fathers, pay our own sea- [illegible] ers back. Then the money will be found circulating at home, in such Englishmen's hands, who may buy the lands that are to be sold, without [illegible] want more Merchants: Whom may we thank for bringing so many to poverty? But I shall forbear grating, and desire the liberty to consider in short how the Trade of England hath hitherto been carried on. Gentlemen have placed their younger children to merchants; their masters observing their honesty and dili- [illegible] in the necessary parts of trade, generally send [illegible] derable commerce; there the young men are [illegible] the factors abroad, are advantaged, and England enriched, (for there in the end all centers:) and, at last, when they are satiated with gain, they return to their native soil, their friends [illegible] room for a younger generation to succeed in their profitable employments. Thus hitherto [illegible] factories on us, through the advantage we had by our laws; let us but turn the tables, and [illegible] popery and paganism, and, on occasion, Christianity too, as at Japan) send their servants [illegible] masters and friends, who never did, or ever will live amongst us; will it not then follow, [illegible] men still) return to their country and friends [illegible] make; and it is the same with the merchants, [illegible]

gain to England by English merchants and factors, will be turned to a foreign land, by the foreign merchants being naturalized for their own not England's.—But this is not all, for at [illegible] useless. Whence then will be a nursery for seamen? For foreign merchants will naturalize foreign seamen; and when the press-masters [illegible] Heer, and avoid the service; but at the Custom-house, Exchange, and in all corporations, [illegible] condemned to our men of war, and perhaps live there, as hitherto, without their pay, till [illegible] pay.—A third argument for admitting Foreigners, is upon a supposed want we have of manu- [illegible] than the English: in my opinion this reasoning is extraordinary, and ought not to take air out [illegible] exert itself in defence of its liberties; for at [illegible] facturers on starving in most parts of England, for want of a full employ to enable them to [illegible] instead of making the kingdom more populous, we provide only for the subsistence of Foreign- [illegible] time, more commodities are made in England [illegible] could, to raise the price of the provisions which their lands produce, and some think it not [illegible] by proposing a free Importation of Irish cattle [illegible]

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* The same thing is also touched upon in the [illegible]

"We have scarcely had one Gazette these three months, in which the scarcity of bread, [illegible] not been aggravated; while it is certainly [illegible]

[illegible] the poor; and yet these very gentlemen are for [illegible] the poor brought to a lower advantage: in my opinion this is a very unequal way of reasoning, [illegible] of the land, for the gentlemen to live in greater [illegible] make the half starved manufacturers, that live by their daily labour, more and more miserable. What opinion will the common people of England have of this house, and the gentlemen of the kingdom, whom nothing can please, but what is made by Foreigners, or comes from abroad?—Our palates for a long time have been so nice, that nothing but a French cook [illegible] The gentleman was not well served without a Frenchman, and the lady's commode could not sit right, if her fine French woman did not put it on: now, on a sudden, the change is as [illegible] into my mind, with which I shall close this consideration: what reason was there for [illegible] hope to justify our proceedings, though we [illegible] liberties, to admit strangers?—A fourth pretence for this Bill is, A want of Husbandmen to till the ground. I shall say little on this head [illegible] me, to tell me, of the 40,000 French, which he confesseth are come into England; how many does he know, that, at this time, follow the plow-tail? For it is my firm opinion, that not only the French, but any other nation this bill shall let in upon us, will never transplant themselves for the [illegible] will contentedly leave the English the sole mo- [illegible] is my judgment, that should this Bill pass, it will bring as great afflictions on this nation, as ever fell upon the Egyptians, and one of their plagues we have [illegible] us; I mean, that of their land bringing forth Frogs [illegible] their kings: for there is no entering the courts [illegible] hereditary kings, for the great noise and croaking of the Frog-landers.—Mr. Speaker, this nation is a religious, just, and zealous nation, [illegible] quarrelled and fought for the same, but have [illegible] priests, for the sake of their religion and liberty, [illegible] Bible. We are the religious representatives of [illegible] good book; where we may be informed, that St. Paul [illegible] escaped a whipping, and valued and pleaded that privilege; and the chief captain of the Romans prides himself, that he, with a great sum, [illegible] by binding of him; and shall we set at nought [illegible] religious, Christian kingdom, and part with the [illegible] not destroy every Englishman's birth-right.—

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don; and yet we find no such provident care as the French king takes, [illegible] shillings a bushel, which here is ten or twelve shillings. [illegible] Swedes, Danes, and Hamburghers bring corn, in hopes of a good market, [illegible] designed for France. They tell us a wild story, [illegible] ple for want of bread; as if the quartering of such numerous troops were like to increase that grain; or that the French king should bring his troops into barren provinces, which were the ready way to make them join in the insurrection. [illegible] Stafford, Salop, Northampton, Sudbury, and Colchester, and other places, to prevent the buying up their corn, to be transported to France, as some maliciously gave out, when it was well kown it was for Holland. But the charity of the new bishop (Dr. Patrick) of Ely's wife is remarkable: who, when a lady was condoling the condition of the poor here, by reason of the dearness of bread, and all eatables, replied, 'But God be thanked there is a greater Scarcity in France.' It were an easy matter to draw up a [illegible] fore the Abdication: because they are daily experienced by every house-keeper, to the necessary pinching of themselves and their families. [illegible] at 30s. The muslins, and all East India commodities, three times the price." Price of Abdication, p. 9.

[illegible] on the score of charity, what it is a people [illegible] country and councils; Joseph was a stranger, sold a slave into Egypt; yet being taken into [illegible] of Pharaoh: but when dearth came on the [illegible] relief, they were sent to the stranger Joseph, [illegible] seeing all this was done by the advice of one [illegible] of the Council are foreigners?—Sir, I perceive some gentlemen are uneasy, perhaps I have [illegible] representatives; or concluding that their reli- [illegible] it which displeaseth, I beg their pardon, and promise not to offend again on that score; and will conclude all with this motion, That the [illegible] and let us first kick this Bill out of the house, and then Foreigners out of the kingdom.'

Sir J. Knight's Speech ordered to be burnt by [illegible]] On the 1st of March a Complaint being made to the house of a printed Label, that hath been dispersed as a Speech spoke in this House; whereof one was produced, and delivered in at the Table, and read; intituled, "The following Speech being [illegible] commons, &c." Resolved, "That the said [illegible] house, containing many false, scandalous, and seditious expressions and reflections, be burnt by the hand of the common hangman upon Saturday morning next, in the Palace-Yard, Westminster: and that the serjeant at arms [illegible] formed."

The King's Speech at the Close of the Session.] [illegible] and made the following Speech to both houses.

"My lords and gentlemen;—The proofs you have given of your affection to me, and the [illegible] re I put an end to this session; and in particular to thank you, gentlemen of the house of [illegible] vided to carry on the War. I will endeavour to do my part; and it is from the blessing of [illegible] sary for me to be absent for some time out of this kingdom; I recommend it to you, that, in [illegible]

Duke on the earl of Shrewsbury; and created the earl of Mulgrave, marquis of Normanby, with the grant of a pension of 3000*l.* a year. [illegible] the 3rd of May, of the Privy Council. About [illegible] Houblon, were appointed three of the Commis- [illegible] duke of Leeds;* William earl of Bedford, marquis of Tavistock, and duke of Bedford; William earl of Devonshire, marquis of Huntingdon and duke of Devonshire; John earl of Clare, marquis of Clare and duke of Newcastle; [illegible] jesties Houshold, earl of Bradford in the county of Salop; and lord viscount Sidney, lord warden of the Cinque Ports, earl of Romney in the [illegible] tague, sir William Trumbull, and John Smith, [illegible] Mr. Montague, a branch of the earl of Manchester's family, had begun, though a young man, to make a great figure in the House of Commons. He was not only made Commissioner of the Treasury, but soon after Chancellor and Under Treasurer of the Exchequer. He had great vivacity and clearness, both of thought and expression: his spirit was at first [illegible] still to encourage in others, when he applied himself to more important business. He came to have great notions, with relation to all the [illegible] funds, and brought those matters into new and better methods: he shewed the error of giving Money upon remote funds, at a vast discount, and with great premiums to raise loans upon them; which occasioned a great outcry, at the [illegible] he pressed the king to insist on this as a maxim, to have all the money for the service of a year, [illegible]

[illegible]] [illegible] not perform any important service. The French fleet industriously avoided coming to an engagement [illegible] ral Talmash, proved unsuccessful, from the in- [illegible]

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* [illegible]

[illegible] of Marlborough [illegible] Dippe [illegible] for [illegible] France; but redounded little to the honour, or advantage of the English nation. The only naval success was the destruction of a large fleet of merchantmen in Bertram bay, by captain Pritchard of the Monmouth, attended by [illegible] sion of some advantageous posts on the Scheld; and prevented the allies from accomplishing [illegible] ders.—A detachment from the allied army, [illegible] took the town and castle of Huy; and drove [illegible] Catalonia, the marshal de Noailles, with a su- [illegible] besieged and took Gironne, Ostelric, Castlefolet; and intended to have finished his career [illegible] secret negociations, carried on between the [illegible] getting possession of Wiselock; and, after destroying some of the French magazines, re- [illegible]*

[illegible]

[illegible] November 12. The Parliament met at Westminster, and, with the usual solemnity, the [illegible]

"My Lords and Gentlemen; I am glad to meet you here, when, I can say, our Affairs are in a better posture, both by sea and land. [illegible] these seas; and our sending so great a force into the Mediterranean has disappointed their designs, and leaves us a prospect of further success. [illegible] think, I may say, that this year a stop has been [illegible] Gentlemen of the House of Commons, I have had so much experience of your good affection to me, and of your zeal for the public, [illegible] time. I do therefore earnestly recommend to [illegible] me to prosecute the War with vigour; which is [illegible] I must likewise put you in mind, that the Act [illegible] nues; and I hope you will think fit to continue that Revenue to the Crown; which is the more [illegible] accounts. I cannot but mention to you [illegible] the reducing of Ireland; which is a case of [illegible] and Gentlemen; I should be glad you would [illegible] some good Bill for the Encouragement of our Seamen: you cannot but be sensible how much a law of this nature would tend to the advance- [illegible] prepare and bring in a Bill 'For the frequent [illegible]

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* Somerville, p. 376.

* "It is remarkable, that though the ses- [illegible] 19th; which seemed to indicate, either that [illegible] leaders of the opposition: bishop Burnet suggests, That the 'Bill of Frequent Parliaments,' or, as it hath been since called, the 'Triennial [illegible] Supply: and so far, indeed, this suggestion is countenanced by the matter of fact, that the [illegible] bring in the said Bill: And what followed was [illegible] agreed to [illegible] stage of its progress the Tunnage-Bill waited upon it, if it did not bear it company.—Of the former of these bills, as well because of the many fruitless efforts which had been made to [illegible] which many years afterwards overtook it, [illegible] cessity of 'Frequent Parliaments' had been asserted in the last Article of the Declaration of Rights; but then it had been asserted in [illegible] think himself obliged to observe it: and in the courtiers sense, 'frequent sessions' did as well: [illegible] that long parliaments, and all the abuses and [illegible] which in that of Charles 2 had been so eage- [illegible]

[illegible]

the 22d, and read with dispatch the third time,

[illegible]

A Supply voted.] The commons likewise

[illegible]

vice for the War; the Accounts of the Monies paid to the Fleet, to the Army, to the Allies, and for Forage, and enquired into the Quotas the Confederates were severally to furnish,

[illegible]

for the Army. To be raised by 4s. in the pound

[illegible]

longer; and his majesty pased that Bill, and the Triennial Bill at the same time, Dec. 22.

[illegible]

the Triennial Bill was again brought into play,

[illegible]

ceived in these words: 'Whereas, by the antient laws and statutes of this kingdom, frequent parliaments ought to be held; and whereas frequent and new parliaments tend very much to the happy union and good agreement of the king and people, we, your majesty's most loyal and obedient subjects, the lords, &c. do most humbly beseech your most excellent majesties, &c.' By the first enacting Clause, it was provided, That from thenceforth a parliament should be held once in three years at the least: By the second,

[illegible]

dissolution of the parliament then subsisting,

[illegible]

the direction of the crown, for calling, assembling, and holding another new parliament. By the third, That no parliament whatsoever should have continuance longer than for three years only, at the farthest; to be accounted

[illegible]

the fourth, That the said then subsisting parliament should cease and determine on the first

[illegible]

upon the last reading of the Bill in the house of lords, the lords Devonshire, Weymouth,

[illegible]

against it, for this Reason, viz. 'Because it tended to the continuance of the present

[illegible]

'was agreeable to the constitution of England; and because of the ill consequences which, in many respects, might attend it.'—And now

[illegible]

22d, and having first bestowed that grace on

[illegible]

Mr. Dyer, a News-Letter-Writer, repri-

[illegible]

House.] Dec. 21. A Complaint being made to the house, That Dyer, a News-Letter-Wri-

[illegible]

solved, "That the said Dyer be summoned by the serjeant at arms to attend this house to-

[illegible]

plaint."

[illegible]

against him: and, acknowledging his offence,

[illegible]

been already insinuated: and that he passed it

[illegible]

discoursed of by Burnet: but the fact has been treated in so different a manner, by different Authors, that the reader has a right to

[illegible]

according to the general apprehension, of the

[illegible]

fatal, during the whole season. Mr. Boyer, notwithstanding, says, 'That the passing the long-wished-for Bill, for the frequent meeting

[illegible]

'ill, was the most lucky hit of king William's politics.' According to bishop Kennet, 'There seemed to be a particular providence that directed the king to the wisdom of passing that popular Bill, before the Death of the Queen; for, if it had been deferred to this time, some people would not have failed to say, That he had been forced to it by the

[illegible]

Burnet, (forgetting the 'Bargain' which he had spoke of before) he roundly declares, 'That if the king had not passed the Bill on the se-

[illegible]

jesty would not have passed it: for, upon her death, he could scarce have avoided it: and

[illegible]

the latter makes no difficulty to avow: and it

[illegible]

And, accordingly, he was brought in, and reprimanded.*—Ordered, That the said Dyer be discharged, paying his Fees.

Resolved, "That no News-Letter-Writers do in their Letters, or other Papers, that they disperse, presume to intermeddle with the Debates, or any other [illegible] of this House."

Both Houses [illegible] *the Queen* [illegible] his Majesty, [illegible] assistance of their firm adherence to his interest. [illegible] Lords, who presented [illegible] his Majesty [illegible] to say in these few words of sorrow: 'I heartily thank you for your kindness, [illegible] which is more than I can express.' [illegible] Commons: "Gentlemen; I take very kindly your care of me and the public [illegible] time, when I am able to think of nothing but our great loss."†

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* "This day," says Kennet "one Dyer, a [illegible] of News-Letters, was [illegible] reprimanded by the Speaker, for presuming to represent the proceedings of that house. But such a gentle rebuke could not reform a fellow, [illegible]" For the lord Mohun rebuked him more effectually some time after; for finding him out at one of his factious Coffee-houses, and shewing him a Letter [illegible] his lordship was named, he owned it, not knowing my lord; who immediately laid him on with a cudgel he had provided for that purpose, and made him swear to have no more to say of the lord Mohun.

† "About a month after Tillotson's death, the Queen was taken ill, but the next day her illness seemed to go off. The day following, she went abroad; but her illness returned so heavily on her, that she could disguise it no longer. She shut herself up in her closet that night, and [illegible] letters, and burning many papers, put the rest in order. After that, she used some slight remedies, thinking it was only a transient indisposition; but it increased upon her, [illegible] days after the small-pox (which then raged about London) appeared with very bad symptoms. It is said, the physician's part was universally condemned, and that her death was imputed to the negligence or unskilfulness of Dr. Ratcliffe. He was called for; and it appeared, but too evidently, that his opinion was chiefly considered, and most depended on. Other physicians were afterwards called; but not till it was too late. The king was struck with this beyond expression. On the second day of her illness he passed the bill for frequent parliaments, which if he had not done that day, it is very probable he would never have passed it. Never was such a face of universal sorrow seen in a court, or in a town, as at this time: all people, men and women, young and old, could scarce refrain from tears: on Christmas day, the small-pox sunk so intirely, and the queen felt herself so well upon it, that it was for a while concluded she had the measles, and that the danger was over. This hope was ill grounded, and of a short continuance: for, before night, all was sadly changed. It appeared, that the small-pox were now so sunk, that there was no hope of recovering her. The new Archbishop attended on her; he performed all devotions, and had much private discourse with her: when the desperate condition she was in was evident beyond doubt, he [illegible] could not do [illegible] [illegible] so important a matter. And, as the Archbishop was preparing the Queen [illegible] she said, she thanked God she had [illegible] the last hour she had nothing to do but to look up to God, and submit to his will; it went further indeed than submission; for she seemed to desire death, rather than life; and she continued to the last minute of her life in that calm and resigned state. She had written [illegible] many papers [illegible] king: and she gave order, to look carefully for a small scrutoir that she made use of, and to deliver it to the king: and, having dispatched that, she avoided the giving herself or [illegible] tenderness, which a final parting might have raised in them both.—The day before she died she received the Sacrament, all the bishops who were attending being admitted to receive it with her. When this was over, she composed herself solemnly to die; she slumbered sometimes, but said, she was not refreshed by it: she tried once or twice to have said somewhat to the king, but was not able to go on with it. Several cordials were given, but all was ineffectual; she lay silent for some hours: and some words, that came from her, shewed her thoughts began to break. In conclusion, she died the 28th of Dec. about one in the morning, in the 33rd year of her age, and 6th of her reign.—She was the most universally lamented Princess, and deserved the best to be so, of any in our age or in our history. Bishop Burnet has written an essay on her [illegible] in which he affirms [illegible] he knew to be strictly true, without [illegible] of figure or rhetoric.—The king's [illegible] her death was as great as [illegible] it was greater than those, who knew him [illegible] thought his temper capable of. When she died, his spirits sunk so low, that there was reason to apprehend, that he was following her; for some weeks after he was so little master of himself, that he was not capable of minding business, or of seeing company. There are two things that seem to cast [illegible] reflection on the memory of queen Mary [illegible]

[illegible] lay before this house a State of the Revenue, [illegible] Debts, [illegible] upon the Revenue [illegible] an Account of the Establishment, Charge, and Expence, of the Civil List, [illegible] was read; and is as followeth, viz.

[illegible] after her father's abdication; and her lasting [illegible] Denmark. [illegible] at Whitehall, says the duchess of Marlborough, who was then waiting on her, she ran about it, [illegible] turning up the quilts upon the bed, as people do when come into an inn, and with no other sort of concern in her appearance but such as they express; a behaviour, which, though at [illegible] been so lately driven from that chamber [illegible] least have looked grave, or even pensively sad, at so melancholy a reverse of his fortune. But [illegible] ly clears the queen from the charge of indecen[illegible] prince wrote to her, that it was necessary she [illegible] put on a great air of gaiety, when she came to [illegible] mion, that a little more seriousness had done as well, when she came into her father's palace, [illegible] a greater impression upon her? She took this [illegible] him, that she felt the sense of it very lively [illegible] obeying directions, and acting a part, which [illegible]

[illegible] a parliamentary provision, without any previous application to her or the king, and afterwards [illegible] her in not submitting to her will. However [illegible] would defer it. This deferring the princess's [illegible] for reconciliation with the king, if that should [illegible] queen, when dying, sent a reconciling message to the princess. Be that as it will, upon the [illegible] the lord Sunderland and others, wrote the following Letter to the king:

'Sir, I beg your majesty's favourable acceptance of my sincere and hearty sorrow for [illegible] 'And I do assure your majesty, I am as sensibly touched with this sad misfortune, as if I had never been so unhappy, as to have fallen into her displeasure. It is my earnest desire, your majesty would give me leave to wait upon you, as soon as it can be without incon[illegible] creasing your affliction, that I may have an opportunity myself, not only of repeating this, but of assuring your majesty of my real intentions to omit no occasion of giving you con[illegible] for your person and interest, as becomes, sir, your majesty's most affectionate sister, and servant, ANNE.'

"The king, thinking a reconciliation expe[illegible] Kensington at a time he appointed, where she [illegible]

State of the Revenue from Michaelmas [illegible] to Michaelmas 1694; with the Loans, Debts, and Charges thereon; together with an Account [illegible]

[illegible]

[illegible]

little more than an appearance. They lived indeed in terms of civility, and in formal visits; [illegible] business; nor did he order his ministers to [illegible]

[illegible] dresses on the death of the queen, a printed [illegible] therein for a dissolution. Burnet assures us, [illegible] sibly without: others again affirm, That the [illegible] And that the earl of Portland replied, 'It was 'not fit to be mentioned, much less to be de'bated:' but which soever of these peers it [illegible] ous a motion, it met with no countenance [illegible] year to languish, and the whole kingdom to be put into a ferment at so delicate a conjuncture, [illegible] sary for the sake of preserving peace at home. [illegible] very curious we have thought fit to insert it in [illegible]

"Sir; You are pleased to observe in your [illegible]

and did, at the end of every week, remain, after [illegible] Discounts upon bonds; with Allowances for [illegible]

[illegible] is held so plain a case, that you did not per[illegible] her death: and the more so, for that you have [illegible] How I conceive the matter stands in the law, [illegible] with you? Now, though I might, in answer to [illegible] we may be in men, in a matter of this high [illegible] I will endeavour, as briefly as I can, to lay the law before you, in so plain and clear a light, [illegible] as any inferior court or corporation: by the [illegible] of a parliament is a legal being, and therefore [illegible] that they sit and act; and when these legal [illegible] into dissolution: so that whether the two [illegible] liament, or not, is altogether a question of law: and this, as I conceive, will chiefly, if not alto[illegible] be else) can be no Legal Parliament; nor with [illegible] candidly and impartially (for I utterly [illegible] Receiver-general paid so much of the charge [illegible] his hands; and the residue of the said 4th part [illegible] abhor all unfair or unfaithful dealing) I will [illegible] which this parliament was called; and also so [illegible] judge of what I hereinafter say.

"The Act 1 William and Mary first reciting [illegible] of Orange, and that 'thereby they did become, 'and of right ought to be, our sovereign liege 'lord and lady, king and queen of England, '&c. in and to whose princely persons the 'royal estate, crown, and dignity of these 'realms, with all honours, stiles, titles, regalities, prerogatives, powers, jurisdictions, and 'authorities to the same belonging, are most 'fully, rightfully, and intirely invested and in[illegible] on, and says, That it is therein 'enacted and [illegible] 'ment of these realms, with all and singular 'the premisses thereunto belonging, shall be 'and continue to their said majesties, and the 'survivors of them, during their lives, and the 'life of the survivor of them: and that the [illegible] 'his majesty in the names of both their majesties, during their joint-lives; and after 'their deceases, the crown and premisses shall [illegible] 'majesty; and so on to the princess Ann, &c.'

"And the Writ is thus: 'Gulielmus et Maria, 'Dei Gratia, Angl. &c. Rex et Regin. Fidei 'Defensor. Vicecomit. B. salutem. Quia de [illegible] 'quibusdam arduis et urgentibus negotiis nos, [illegible] 'eccles. Anglican. concernen. quoddam Parliamentum nostrum apud civitatem nostram 'Westminster, vicesimo die Martii prox. futur. 'teneri ordinavimus et ibidem cum prelatis [illegible] 'matione in prox. com. tuo, post receptionem 'hujus brevis nostri tenend. de die et loco predictis, duos milites gladiis cinctos magis [illegible] 'oribus et magis sufficient. libere et indifferenter per illos qui proclamatione hujusmodi 'interfuerint juxta formam statuti inde editi 'et provis-eligi, et nomina eorundem militum 'civium et burgens' sic eligend. in [illegible]

[illegible] £.84,262. 7. 7½.; which was not the real pro[illegible]

[illegible] 'interfuerint inde conficiend. licet hujusmodi 'eligend. presentes fuerint vel absentes inseri [illegible] 'potestat. pro se et commun. com. illius ac dicti [illegible] 'tat. et burgor. predictor. divisim ab ipsis ha[illegible] 'tunc ibidem de commun. consilio dicti regni 'nostri (favente Deo) contingent. ordinari [illegible] 'potestat. hujusmodi seu propt. improvidam 'electionem militum civ. aut burgens. predictor. dict. negotia infecta non remaneant 'quovismodo, &c.'

"Now, it will not be denied, but that all Par[illegible] Mary than king William; they both then being [illegible] was not inserted in the said act of settlement, as a matter only of respect and deference, but as a thing necessary and essential to that share [illegible] invested: in respect of which sovereignty, so [illegible] necessary to these writs, *ex essentia rei*; and [illegible] names of both, as proceeding from the joint [illegible] names alone, for want of legal sovereignty [illegible] writs: then must the death of either necessa[illegible] liament depending thereon; because the sove[illegible]

[illegible] interest [illegible]—The Principal Money [illegible], and remaining [illegible] [illegible] are contained in the annexed List, marked (A)

Coffee and Tea.—The new Duties on Coffee and Tea were applicable to uses of the Civil List; and the net Receipts thereof, in the year ended at Michaelmas 1694, did amount to £. 2,153. 9.; but these are expired at [illegible] and are not [illegible] [illegible]

[illegible]

[illegible] 'naturali æquitati unumquodque dissolvi eo 'ligamine quo constituitur,' as says Bracton. [illegible] king William is survivor, and the whole sovereignty is now in him; [illegible] writs, [illegible] again re-enter into these very writs; which [illegible] So that these writs must either remain half alive, and half dead, [illegible] and determine [illegible] demise, and consequently a dissolution, please to observe, that it is not the [illegible] as durable as the monarchy itself; for the king *in genere* never dies, but these writs depend upon the continuance of the natural person of [illegible] is changed and gone by the queen's death; [illegible] king William alone is the same *roy in individuo* with king William and queen Mary, [illegible] there is a demise of the crown, and consequently an abatement of the writs; for where the sovereignty ceases to be *in statu quo*, but is become otherwise lodged, and the sovereign stile altered [illegible] person invested with the sovereignty, and a new [illegible] government; such change and alteration is in law a demise, and what this kingdom ever took notice of as such: and if so, then certainly the queen's death was a demise; for thereby the sovereignty [illegible] than it was before; for the sovereignty thereby became wholly in king William, whereas before he was but a joint-tenant with queen Mary; and whereas, before, the regal stile was king William and queen Mary, now, by her death, the regal stile is altered to king William 3, and all this by the act of God. So that all the legal demonstrations, that can go to the proof of a demise of the crown, proves this plainly to be one; and consequently the parliament dissolved, if a demise can do it. It is not at all material to this argument, how king William now claims [illegible] crown, whether by survivor, or otherwise; all that need be asked is [illegible] vested in queen Mary's natural person, and [illegible] her death? For if so, then according to our laws, (if the law knows what a demise is) there was a demise by her death.

"As to the Power given king William by this act, [illegible] that, if it makes any thing, makes the dissolution yet more evident; for that no ways altered, or affected the joint lodgment or settlement [illegible] nature of a warrant of attorney; which, by the express limitation of the act, [illegible] mined by her death, being given only during their joint lives. But king William now has the sole exercise, not by virtue of this clause in the act, but as he has [illegible] sole title by survivor; and therefore these writs, [illegible] sole exercise, must consequently be at an end for this reason also.

"Besides, from the very nature of joint-tenancy, [illegible] was it ever made a question in law, where two joint-tenants grant any authority [illegible] or persons, but that the [illegible] tenant determines the authority so granted? If two joint-tenants make a letter of attorney to any person or persons, to do any act or acts, is not the death of one of such joint-tenants, a determination of such letter of attorney? Suppose two joint-tenants of a manor grant the same to [illegible] one of the joint-tenants dies, can the grantees claim any more than a moiety only as from the survivor? For though a surviving joint-tenant may, in some cases, claim wholly as immediately from the donor; yet nothing is plainer in law, than that they that have any grant or authority from two joint-tenants, cannot afterwards claim as from the [illegible] joint-tenant only, but must from both the joint-tenants, respectively, according to their respective interests and estates: and therefore, if the parliament cannot now make good their [illegible] *ab initio* from king William only, [illegible] certainly, [illegible] king William, now by survivor, stand them in any stead.

You may please to observe [illegible] the Parliament [illegible] joint [illegible] William and queen Mary's [illegible]

[illegible] Excise [illegible] nagement, the sum of £.413,053. 14. 0¼.

[illegible] of £.260,748. 11. 11.; and interest is payable [illegible]

Besides which sum of £.260,748. 11. 11 and interest, the said hereditary branch of [illegible] £.1,333,873. 14. 7½. due to several bankers, and others, or their assigns; for which his late [illegible] fied the principal; and the said perpetual interest is in arrear for 11½ years, amounting to

---

[illegible] The writ tells you, That they, viz. king William [illegible] Mary, for [illegible] the advice of their council, appointed a parliament at Westminster, and there to have a *col*[illegible] sult with the prelates, and great men of their [illegible] William and queen Mary [illegible] mand the sheriff to proclaim the same in his next county court, after the receipt of this their writ, to cause two such knights, &c. to be chose, &c. as shall have sufficient power for them[illegible] to do and consent to such things as shall fall out to be ordained by the common council of [illegible] virtue of the writ, have, by indenture, full power given them by the electors of the county, [illegible]

[illegible] respondent to the power required by the writ, and that is, to represent them to king William and queen Mary jointly; and to do and con[illegible] persons, as the state of the kingdom: therefore, [illegible] determine; for this being but a bare authority, [illegible] that this intends their particular natural persons, nothing can be more evident, unless the [illegible] the people, of representing and doing for them, is at an end; unless they could still represent them to, and consent and do, as well for queen Mary as king William; which was what the writs required, and the people chose and sent [illegible] this Act of Settlement, would have had a par[illegible] should have made provision for it in the act, and have given power for the making of such [illegible] sion; and then the people would have directed [illegible] them accordingly: but without an act of par[illegible]

law: neither could the people give their repre[illegible] quired; and these only go to king William [illegible] he had happened to die first: (for she had the [illegible] here a power in them of holding the same parliament, during their joint lives, and the life of the longer liver of them: and by the same [illegible] the survivors and survivor of them; and consequently there would have been an end of the [illegible] think fit to dissolve them. Of what ill consequence it may be to the monarchy, for parlia[illegible] sovereignty, I will neither consider nor exa[illegible] of law. Only I will say, with the Lord Chief [illegible] and absolute the high court of parliament is, [illegible] it may be said of parliaments too, they are 'sub Deo et lege.' (As here the parliament is [illegible] as sir Robert Atkins says, a power limited by law, may be thought 'potestas minor, sed tutior et diuturnior.'

"The Parliament Writs, and the legal certainty of them, is all the legal security the people have for the great trust and concernment they commit to parliaments; and if these are [illegible] decease of either; for no one can determine [illegible]

"To add yet one consideration more; I would [illegible]

[illegible] the [illegible]

[illegible] Low [illegible] 1694, [illegible] £. [illegible]72.

[illegible] this Revenue, is £. 19,205. 9. 2.; and the yearly [illegible]

[illegible] Casualties, within the year before-mentioned, [illegible] queen Mary? [illegible] chosen or impowered to consent to any other, [illegible] queen Mary was alive?—Besides, it hath ever been a steady standing rule in all parliaments, [illegible] sion, can be no act. And I think no one will say, that acts made now, under the reign of William 3, can have any relation in law to the [illegible]

"Sir; I could say much more, to let you see [illegible] parliament was dissolved in law; but supposing I [illegible] the [illegible] Dissolution by the Queen's Death; and therefore I shall add no more, but that [illegible]"

[illegible] to the Mint, amount to [illegible] £. 77,335. 11. 5½.

The Revenue on Wine [illegible] 1694 [illegible] £. 21,000.

The yearly Charge [illegible]

	£.	s.	d.
On the [illegible] for Pensions, part of the Civil List	1,500	—	—
On the Duchy of Cornwall, for the like	[illegible]	—	—
On the [illegible] Wales, for the like	2,500	—	—
On [illegible] for the like	12,450	—	—
On the Lotteries, for the like	3,992	2	6

[illegible] Charged by Letters Patents [illegible] Grants; viz.

[illegible]

	£.	s.	d.
For [illegible] num.	600	—	—
For the Consul at Tripoly	380	—	—
For the Comptroller of the Treasury [illegible]	[illegible]	—	—
For the Master of the Otter-Hounds	28	0	1½
For the 2 Secretaries of State, each 1,850 l.	3,700	—	—
For the Lord Privy-Seal	365	—	—
[illegible]	[illegible]	—	
Samuel Clark	300	—	—
Geo. Tuthill	100	—	—
Corporation of Lyme	100	—	—
Chancellor of the Garter	570	5	—
Thomas Hyde	50	—	—
Corporation of Berwick	100	—	—
Corporation of Dartmouth	40	—	—
Charles Fairfax	100	—	—
	[illegible],783	5	1½

[illegible]

	£.	s.	d.
[illegible]	[illegible]		
Prince and Princess of Denmark	50,000	—	—
Duchess of Buccleugh	4,000	—	—
Duchess of Richmond	1,[illegible]00	—	—
[illegible]			
Duchess Dowager of Grafton	1,000	—	—
Duke of Southampton	3,000	—	—
[illegible]	[illegible]	—	—
Sir William Killigrew	500	—	—
[illegible]		—	—
[illegible]		—	
	[illegible]		

[illegible] computation, be as followeth; viz.

[illegible]

[illegible]	35,429	3	5
[illegible] timate	4,000	—	—
[illegible]	[illegible]		
[illegible] as per Certificate	8,737	5	—
On settled Allowances	8,376	7	6
[illegible] traordinaries by computation	50,676	7	4
[illegible] Receivers thereof	54,274	—	3
[illegible]		—	—
To the late Queen	30,000	—	—
[illegible] Denmark	50,000	—	—
[illegible]	[illegible]		

[illegible]

[illegible]	37,106	[illegible]	[illegible]
By Earl of Nottingham	5,000		
[illegible] tion	10,000	—	—

For Contingencies; to wit,

[illegible] Printers Bills, Messengers Bills [illegible] missioners of Accounts, Law- [illegible] Year	42,680	5	6¾
	694,081	1	[illegible]

[illegible] ceding Years; viz.

[illegible] Chamber, for his [illegible]	36,818	[illegible]	
[illegible]	[illegible]		
[illegible]	33,500	—	
[illegible]	26,231		
[illegible]	[illegible]		

[illegible]	10,709	15	8
[illegible]	47,000	—	—
[illegible]	55,566	15	1¾
[illegible]	99,714	6	11¼
[illegible]	[illegible]		
By the Duke of Shrewsbury	1,000	—	—
[illegible]		—	—
[illegible] particulars	42,680	5	6¾
	692,141	2	11

(B). A LIST of PENSIONS and ANNUITIES on the [illegible]

Amias and Juliana Hext, per An[illegible]	[illegible]	—	—
Samuel Clark	300	—	—
[illegible]	[illegible]		
Corporation of Lyme	100	—	—
[illegible]	[illegible]	—	
Town of Berwick	100	—	—
Tho. Fairfax	100	—	—
Tho. Hyde, & Uxor	50	8	—
Chancellor of the Garter	550	5	—
	1,560	5	—

[illegible]

Duchess of Buccleugh	4,000	—	—
[illegible]	[illegible]	—	
[illegible]	[illegible]	—	—
[illegible]	[illegible]	—	—
[illegible]	[illegible]	—	—
[illegible]	[illegible]	—	—
[illegible]	[illegible]	—	—
Sam. Morland, Esquire	200	—	—
[illegible] Great Yarmouth	160	—	—
	[illegible]		

[illegible]

Earl of Rochester, per annum	4,000	—	—
Duchess of Cleveland	4,700	—	—
Duke of Leeds	3,500	—	—
[illegible]	[illegible]	—	—
[illegible]	[illegible]	—	—
Lord Keeper	2,000	—	—
[illegible] summer, 1697	500	—	—
	* 21,200	—	—

* In this place the following article; viz. "on [illegible] the 18th of this month: and the deduction after- [illegible]

On the Alienation Office.

Countess of Plymouth, part of her jointure	1,000	—	—
Sir William Morris	300	—	—
Duke of St. Albans, part of 2000*l.*	500	—	—
	[illegible]		

On the Duchy of Cornwall.

Earl of Bath, perpetuity	3,000	—	—
Lord Keeper	2,000	—	—
Sir Peter Killigrew	300	—	—
Minister of Lestwithiel	30	—	—
	[illegible]	—	—

On the Revenue of Wales.

Henry D'Averquere	2,000	—	—
Duke of St. Albans, part of 2000*l.*	500	—	—
	2,[illegible]		—

On the 1st Fruits and Tenths.

Earl of Oxford	2,000	—	—
Countess of Plymouth, part of her jointure	[illegible]	—	—
Countess of Bristoll	2,000	—	—
Earl of Bath	2,500	—	—
Extraordinaries of Charles Toll, for years to come	1,000	—	—
Duke of St. Albans, part of 2000*l.*	1,000	—	—
Sir [illegible]	[illegible]	—	—
Eliz. Hamilton	500	—	—
Jane [illegible] William Hamilton	800	—	—
	12,[illegible]		

On the Lottery-Rent.

Solomon Foubert	500	—	—
Philip Howard	400	—	—
James Gray	400	—	—
Sir Gabriel Silvius	300	—	—
Lady Armstrong's daughters	200	—	—
Charlotte Killigrew	200	—	—
Susanna Leighton	100	—	—
Jane Berkeley	200		—
Eleanor Needham	200	—	—
Mary Fanshaw	200	—	—
Captain John Richards	200	—	—
Sir Cha. Slingsby	40	—	—
Eliz. Slingsby	20	—	—
Colonel Edmund [illegible]	45	[illegible]	6
Colonel Hen. Hubank	45	12	6
Richard Sydenham, and Grace his wife	40	—	—
Anne Duke	42	[illegible]	6
Captain John Baker	[illegible]	10	—
Captain Kettleby's grandchildren	[illegible]	1	—
Captain John Watkinson	18	5	—
Anne Ashbury	20	—	—
Widow Collins	20	—	—
Mr. Ross his three daughters	60	—	—
Mrs. Buss	20	—	—
Edward Duke	24	—	—
Colonel Vaughan	300	—	—
Dame Martha Cary	40	—	—
Dame Penelope Cary	[illegible]	—	—
Captain James Vosper	20	—	—
Captain Griffith Standen	20	—	—
Anne Acton	20	—	—
Amy Goldsborough	20		
Elizabeth Hall, Jane Bell, Margaret Pretty, each 20*l.* per ann.	60	—	
Victoria Slingsby	20	—	
Mallet Slingsby	20	—	
	9[illegible]		

On the Exchequer in General.

Duke of Norfolk	[illegible]	—	—
Duke of Ormond	2,500	—	—
Duchess Buckingham	1,200	—	—
Ann Golding	120	—	—
Nicholas Needham	120	—	—
Kath. Gunter	200	—	—
Earl of Derby, in trust, for poor Ministers in the Isle of Man	100	—	—
Rachel [illegible] Wyndham	[illegible]	—	—
An. Lawson	250	—	—
Wm. [illegible]	[illegible]		
Doctor Nicholas Gibbon	100	—	—
Robert Bertie	40	—	—
Lodowick Bray	40	—	—
Jane Browning	60	—	—
Charles Dormer	120	—	—
Earl of Kinoule	1,000	—	—
Christ's Hospital	[illegible]		—
Poor of St. Martin's	100	—	—
Poor of Westminster, and King Cha. 1st's Hospital there	100	—	—
Poor of St. James's	[illegible]	—	
Poor of St. Mich. Cornhill, a perpetuity	12	4	—
Poor of St. Magne's Parish, London, the like	21	4	8
Poor of St. Botolph's, the like	[illegible]	—	
Poor of Walbrook, the like	7	13	4
Master of Southwell School	10	—	—
Eaton College	42	—	—
Emanuel College in Cambridge	16	13	4
Reader of Civil Law there	[illegible]	-	
Reader of Physick there	40	—	—
University of Cambridge	10	—	—
Lady Margaret Professor at Oxford	13	6	8
Reader of Physick there	40	—	—
Reader of Civil Law there	40	—	—
Dean and Chapter of Litchfield	10	—	—
Vicar of Litchfield	15	—	—
Dean and Chapter of Westminster for French Ministers in the Savoy	60	—	—
Master of the Temple	37	6	8
Vicar of the Tower	6	13	4
Sir John Cotton, a perpetuity	5	6	8
Poor of the Town of [illegible]	[illegible]	—	—
Thomas Lane, esquire	500	—	—
John R[illegible] and Ann his wife	[illegible]	—	—
Rachel and Frances Wyndham	[illegible]		—
Sir Tho. Wyndham	600	—	—
Colonel Gifford	300	—	—
[illegible] Westgrave	[illegible]	—	—
Nicholas Yates	100	—	—
The four King's preachers in Lancashire, out of the rent of the dissolved monastery of [illegible]	200	—	—
	12,[illegible]	[illegible]	8
Total (general)	79,147	6	2
Deduct, see note	500	—	—
Total of Pensions & Annuities	78,647	6	2

[illegible]

the Revenues of the Excise, Customs, Post- [illegible]

Received within the said Time; viz	£.	s.	d.	£.	s.	d.
[illegible]	—	—	—	[illegible]		
More, by low Wines	—	—	—	13,696	15	8¼
[illegible]						
[illegible]	21,537	8	8			
[illegible]	[illegible]		½			
				25,020	5	10½
So the net Produce was	—	—	—	426,500	9	9
[illegible]	—	—		[illegible]		
[illegible]						
[illegible]	9,915	—	—			
[illegible]	[illegible]	7	3			
				[illegible]	[illegible]	—
So the net Proceed was	—	—	—	[illegible]		
[illegible]						
[illegible]	—	—	—	63,169	14	[illegible]
[illegible]	—	—	—	[illegible]	[illegible]	[illegible]
By Tonnage and Poundage, or the old Customs	—	—	—	[illegible]	—	[illegible]
Out of which to be deducted,						
[illegible]	[illegible]	4	2¼			
[illegible]	43,033	8	[illegible]			
[illegible]	[illegible]					
				[illegible]	3	[illegible]
So the net Produce was	—	—	—	407,584	17	[illegible]
[illegible]	—	—	—	2,454	17	[illegible]
[illegible]	—	—	—	[illegible]		[illegible]
[illegible]	—	—	—	[illegible]		
Note, This Duty is now expired, by Coinage appropriated to the [illegible]	—	—	—	[illegible]		[illegible]
[illegible]	—	—	—	[illegible]		[illegible]
So the net Produce was	—	—	—	[illegible]		[illegible]
By new Impositions on East-India Goods, Wine, Vinegar, and To- [illegible]	—	—	—	[illegible]		[illegible]
[illegible]	—	—	—	[illegible]		[illegible]
[illegible]	—	—	—	[illegible]		[illegible]

[illegible]

Ordered, That the [illegible]

Money. The Petition which was presented on the 12th of January, set forth, "That [illegible] Henry Cartwright's [illegible] company of foot, belonging to colonel Hastings' regiment, being now quartered at Royston, [illegible] the several sums following to be paid them weekly by the Petitioners for their Subsistence, [illegible] have their lodging, and other necessaries, as the law requires; viz. To the lieutenant, 17s. 6d.; to the ensign, [illegible]; to every serjeant, [illegible] corporal, 4s. 6d.; and every private centinel, 3s.; [illegible] Petitioners goods: That the Petitioners are willing [illegible] as they are able to do, and as the law directs; but are not able to bear a Grievance of this nature, having [illegible] companies of sir John Edgworth's regiment, [illegible] 1693, [illegible] never [illegible] paid one farthing: and praying the house to [illegible]."

Ordered, 1. That capt. Henry Cartwright [illegible]

Jan. 19. Mr. Crosfeild attending, according to order, he was called in, and acquainted, That the house had taken notice of a printed Book delivered at the door of the lobby; by which he pretends, That he can make a discovery of great Embezzlements of public Monies: [illegible] Whereupon he acquainted the house, That he had Proposals to make; and could produce several persons to make out the matter, if the house would put the same into a way of examination upon oath. And then withdrew.

Ordered, That the said Mr. Crosfeild do attend the Commissioners for taking and stating the public Accounts; and do lay before them his Proposals: and that they do examine the matter thereof; and report the same to the house, with all convenient speed.

Jan. 23. The house proceeded in the Examination [illegible] the inhabitants of Royston: and agent Tracy Pauncefort attending, according to order, he was called in, and examined. The Lieutenant and Ensign [illegible] were called in, together with the said Agent Pauncefort, and all examined.

Resolved, nem. con. "That the Officers and Soldiers of the Army [illegible] great violation of the Rights and Liberties of the subject."

Ordered, 1. That the Commissioners for taking and stating the Public Accounts do, [illegible] Observations of the Abuses, and ill practices, committed by the several Agents [illegible] ments of the Army. 2. That the said Commissioners [illegible] the Names of such of the Agents [illegible] ments of the army, as have neglected to attend them upon their summons. 3. That [illegible] lay before this house a particular Account of all the Monies received from the earl of Ranelagh, and the times of such Receipts, since the 25th of May [illegible] and [illegible] paid the same, and what remains in his hands.

Jan. 25. Mr. Harley, from the Commissioners for taking and stating the Public Accounts, presented to the house, according to order, [illegible] Observations of the Abuses, and ill Practices, committed by the several Agents of the Regiments of the Army, [illegible] the Names of such agents of regiments, as have neglected to attend [illegible]

"That, shortly after the first constitution of the said Commission, in the year 1691, they [illegible] great sums of money [illegible] use of the Army, to persons called Agents to [illegible] three, or more regiments, to the number of seven, under their charge; and thereupon [illegible] them, with their several Accounts; who were [illegible] the discovery [illegible] Abuses [illegible] practices, that they thought it their duty to exhibit in writing to this house, in the said year; —That the Agency to regiments is a thing [illegible] agents, paying great sums of money for their [illegible] the several regiments; and find it very difficult [illegible] the Matters required of them: and, by reason [illegible] sioners have not been able thoroughly to ex- [illegible] but they humbly offer to the house some general Observations, and particular Instances, thereunto relating.—And first, That the Subsistence of the English Army, being last year above £. 1,200,000, the greatest part thereof, [illegible] ings, is under the management and disposition of Agents [illegible] who have declared [illegible] pay, and for Debts in their Quarters; which [illegible] of more [illegible] and have [illegible] great Grievances [illegible] officers, under [illegible] 2s. 6d. and more in the pound; though the [illegible] Clothing; whereby excessive gain is made; [illegible] seven regiments, and is now to six; and it did [illegible] men, who received money from him, being ex- [illegible] the pound; and that he had set down to the regiment about double the sum by him paid, in sixteen several bills; the originals whereof are ready to be produced; and also a voucher, altered, by his own hand, from 81*l.* 18*s.* 0*d.* to [illegible]

Several Agents examined and committed.] Jan. 28. The house proceeded to take into [illegible] the inhabitants of Royston; and also the Ob- [illegible] of the Regiments of the Army: And Agent Tracy Pauncefort was called in, and presented to the house his Accounts of the Monies re- [illegible] and when, and to whom; and what remained in [illegible] Turner, col. Hastings, major Montall, and Agent Rd. Roberts, attending according to [illegible]

Resolved, nem. con. "That Rd. Roberts, [illegible] precepts and summons, be taken into the cus- [illegible]

[illegible] Royston, having monies in his hands to do the [illegible]

[illegible] *for a Contempt.*] February 12. Agent [illegible] again; and acquainted by Mr. Speaker, by [illegible] severity against him. And, he still persisting in his refusal; he withdrew.

Resolved, nem. con. "That Mr. Tracey Pauncefort, agent to col. Hastings's regiment, by obstinately refusing to answer to a matter [illegible] tal constitution thereof."

[illegible] fort be committed prisoner to the Tower of [illegible] this house, and, upon his knees, receive the [illegible]

Feb. 15. A Petition of Mr. Tracy Pauncefort [illegible] knowledged his offence, and expressed his sor- [illegible] brought to the bar of the house again; being ready to declare to the house what they shall [illegible] ingly again brought to the bar; but not giving [illegible]

Feb. 16. His brother, Mr. Edward Pauncefort [illegible] which it was, Resolved, nem. con. "That Mr. [illegible] ings's regiment of 500 guineas; and for giving a Bribe to obtain the King's Bounty; be taken into the custody of the serjeant at Arms."

Mr. Guy, Secretary of the Treasury, sent to the Tower for taking a Bribe.] This day it was also Resolved, "That Mr. Henry Guy *, a Member of this house, for taking a Bribe of 200 guineas, be committed Prisoner to the Tower of London."

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* "That this gentleman was Secretary of the Treasury, and that a great part of the Se- [illegible] once. That therefore the Anti-Courtiers [illegible] ed. But this is a new instance, that these [illegible]

Resolved, That a Committee be appointed to prepare an humble Representation, to be made to his majesty, laying before his majesty the several Abuses, [illegible] Practices, [illegible] Extortions, of the Agents to the Regiments of the Army, upon the inferior Officers, and common Soldiers; whereby they have been forced to raise their Subsistence upon the people: and that the said Representation be also [illegible] upon the several [illegible] [illegible] debate of the House thereupon.

Feb. 21. Mr. Pauncefort, attending, in custody, was called in; and acquainted by Mr. Speaker, That the House conceived he had not dealt ingenuously; but had prevaricated with them, [illegible] the Commissioners for taking and stating the Publick Accounts, to be examined upon oath: and that in case he did not answer clearly, and satisfactorily, the House would proceed against him with all the utmost severity. And then he withdrew.

[Account of Fees and Salaries payable at the Exchequer.] Sir Stephen Fox, one of the Lords Commissioners of the Treasury, presented to the House, according to order, Accounts of the Fees and Salaries payable to several Persons at the Exchequer, and of the Bounties [illegible] of their majesties paid there; and also of the Monies paid for Contingencies, for the last three years. The same were read; and are as follow; viz.

An [illegible] of Fees and Salaries payable to divers Persons at the Exchequer, [illegible] Feb. 1694.

	£.	s.	d.
Lord President	1,500	—	—
Lord Privy Seal [illegible]	1,[illegible]	—	—
Two Secretaries of State, each 100*l.* per annum	200	—	—
Twelve Judges of the three Courts of Law, each, 1000*l.*	12,000	—	—
Two Justices of Chester, [illegible] and 200*l.* per ann.	700	—	—
Eleven Masters in Chancery, each [illegible]	1,[illegible]	—	—
[illegible]	[illegible]	[illegible]	[illegible]
Attorney General	[illegible]	[illegible]	[illegible]
Solicitor General	[illegible]	—	[illegible]
Earl of Portland, Groom of the Stole, and First Gentleman of the Bedchamber [illegible]	2,000	—	—
Nine other Gentlemen of the Bedchamber, each [illegible]	9,000	—	—
Eight Grooms of the Bedchamber, each [illegible]	4,000	—	—
Master of the Ceremonies	300	—	—
Assistant to the Master of the Ceremonies	[illegible]		[illegible]
Marshal of the Ceremonies	[illegible]		[illegible]
Mr. Hill, Latin Secretary	[illegible]	—	
Mr. Henshaw, French Secretary	66	13	4
Earl of Romney, Master General of the Ordnance	1[illegible]		
Sir Henry [illegible], Lieutenant General of the Ordnance	[illegible]		[illegible]
Sir Tho. Littleton, Clerk of the same	36	10	—
John Charleton, Surveyor, the like	36	10	—
Mr Musgrave, Clerk of the Deliveries	18	5	—
Charles Bertie, Treasurer of the Ordnance	[illegible]	—	—
[illegible], Storekeeper of the Ordnance	[illegible]	[illegible]	—
Mr. [illegible], Keeper of the Small Arms	15	4	2
[illegible]	[illegible]	—	
[illegible]	[illegible]	[illegible]	—
Four Clerks of the Privy Council, [illegible]	1,[illegible]		—
Clerks, and others, in the Plantation Office [illegible]	1,[illegible]		—
Keepers of the Council Chamber, each [illegible]	[illegible]		
Ten Serjeants at Arms, [illegible]	1[illegible]	[illegible]	
Sir Tho. St. George, Garter King at Arms	1[illegible]		—
Sir Hen. St. George, Clarenceux King at Arms	[illegible]	—	—
Sir John Dugdale, Norroy King at Arms	[illegible]		[illegible]
Six Heralds at Arms, each [illegible] per ann.	[illegible]		[illegible]
Four Pursuivants at Arms, each 20*l.* per ann.	[illegible]	—	—
Earl of Bath, House-keeper at St. James's	[illegible]	—	[illegible]
Lord [illegible], Keeper of the Mall		[illegible]	—
[illegible], Keeper of Hide Park	[illegible]	[illegible]	[illegible]
Earl of Rochester, Keeper of New-Park [illegible]	109	10	—
Earl of Dorset, for Keepers of Greenwich Park	15[illegible]		[illegible]
Mrs. Elliot, House-keeper at New-market	[illegible]	—	—
Robert Ford, House-keeper there	[illegible]	[illegible]	[illegible]
Henry Villiers esquire. Keeper of the [illegible]	132	5	4
[illegible], Keeper of [illegible] Walk	5[illegible]	—	—
William Clark, Keeper of [illegible] Rails	[illegible]0	—	—
Under Keepers of St. James's Park	[illegible]	—	—

[illegible] true. Even bishop Burnet admits, 'That many 'were the more sharpened against Guy, be'cause it was believed that he, as well as 'Trevor, the Speaker, was deeply concerned in 'corrupting the Members of the House of Com'mons." But then he takes care to insinuate, [illegible] ing reigns, by adding, 'That he had held his 'place both in king Charles and king James's 'time; and the share he had in the secret Dis'tribution of Money, had made him a neces'sary man for those methods.' But, whether [illegible] does not appear that he made any difficulty to comply [illegible]

[illegible], Keeper of the Roads, about	97	6	8
[illegible], Housekeeper at Kensington	300	—	—
[illegible]	[illegible]	—	
[illegible], Keeper of the Bows	58	5	—
Ditto, as Keeper of the private Armoury	100	—	—
Radolph Kein, Closet-keeper	200	—	—
Richard Welbeck, Stable-keeper at Reading	12	3	4
Keeper of the Parliament House	9	2	6
Sir Joseph Williamson, Keeper of the Paper Office	160	—	—
Sir Chr. Wren, Surveyor of the Works	45	12	6
William Talman, Comptroller	27	7	8
Thomas Lloyd, Paymaster	36	10	—
Master Mason and Master Carpenter, [illegible]	[illegible]	10	—
Purveyor of the Works	12	3	4
William Dickenson, Clerk, Ingrosser of the Works	66	13	4
To William Ireland, Master Glazier	19	19	—
To Charles Atherton, Serjeant Plumber	18	5	—
[illegible], Master Joiner	[illegible]		
Master Bricklayer and Master Plasterer, each 18*l.* 5*s.*	36	10	—
Master Carver	27	7	6
Matth. Roberts, Plumber at Windsor	18	5	—
John Norris, Joiner of the Privy-Chamber	19	11	8
Earl of Abington, Justice in Eyre, Trent South	166	13	4
Earl of Portland, Superintendant of the Gardens	200	—	—
Monsieur Averquerc, Master of the Horse	66	13	4
Duke of Devon, Chief Justice in Eyre, Trent North	100	—	—
Mr. Simon Harcourt, Secondary of the Crown Office	50	—	—
Henry Harris, Graver of the Seals and Arms	50	—	—
Ditto, as Yeoman of the Revels	9	2	6
[illegible], as Master of the Revels	10	—	—
Apothecary of the Houshold	53	6	8
Master of the Barges	30	—	—
Clerk of the Fines	20	—	—
Wardrobe-keeper at Westminster	32	5	—
Walter Laycock, Surveyor of the Woods, Trent North	50	—	—
[illegible]	[illegible]		
[illegible]			—
Officers of Waltham Forest	235	10	—
Mr. Goddard, Governor of Bermudas	240	—	—
John, Philip, and Joseph, Rotiers, [illegible]	[illegible]	—	—
Knight Harbinger	195	16	8
[illegible], Master of the Harriers	500	—	—
[illegible]	[illegible]		
[illegible], Master of the Hawks	[illegible]	[illegible]	—
Mr. Tate, Poet Laureat	100	—	—
Mr. Rymer, Historiographer	200	—	—
Mr. Jodrell, Clerk of the House of Commons	18	—	—

Vice-Chamberlain of the Houshold	600	—	—
Five Lords Commissioners of the Treasury	8,000	—	—
Four Agents for Taxes, their Clerks and Messengers	880	—	—
[illegible] of Imprests [illegible] 66*l.* 13*s.* 4*d.*	133	6	8
John Shales, Auditor	200	—	—
Robert Russel, Clerk of the Pipe	107	4	2
[illegible], Opposer	40	—	—
John Talure, a Secondary	30	13	4
Arnold Squib, Clerk of the Nichils	20	—	—
Secondaries in the Pipe-Office	20	—	—
[illegible] in the Common-Pleas	20	—	—
Sir John Osborne, Treasurer's Remembrancer	64	3	1
[illegible] Estreats	96	13	4
Thomas Marryot, Clerk of the Pleas	5	—	—
John Pottinger, Comptroller of the Pipe	40	—	—
Mr. Blackwell, Secondary of the Treasurer's Remembrancer	5	—	—
Andr. Lawrence, late Surveyor of [illegible]	[illegible]		—
[illegible]	[illegible]		
[illegible] Keepers of [illegible] Forest	210	—	—
Aaron Smith, Solicitor for Law-suits, &c.	200	—	—
[illegible], Surveyor of the New Forest	9	2	6
Total	55,134	—	3

Mem. The Termly and other Allowances of the [illegible] per ann. more.

An Account of what hath been paid at the Receipt of the Exchequer, within the Three Years [illegible]

	£.	*s.*	*d.*
In the Year ended at Michaelmas 1692	25,189	16	6
In the Year ended at Michaelmas 1693	35,140	16	1¼
In the year ended at Michaelmas 1694	29,714	6	11½
	[illegible]	[illegible]	[illegible]

And for Contingencies; viz.

[illegible] to the Commissioners of Accounts, Removes of Prisoners, Discounts, Law Charges, Liberates of [illegible]

	£.	*s.*	*d.*
In the Year ended at Michaelmas 1692	32,026	5	1¼
In the Year ended at Michaelmas 1693	42,045	4	6¾
In the Year ended at Michaelmas 1694	39,987	19	3¼
	[illegible]	[illegible]	[illegible]

Ordered, That the consideration of the said Accounts [illegible] the Committee of the whole House, [illegible] to consider [illegible] of Ways and Means [illegible] Supply [illegible] the War against France [illegible].

Resolutions respecting Fees, Salaries, and Pensions.] [illegible] reported [illegible] they have proceeded [illegible] Lady-day 1693 [illegible] Michaelmas 1694, [illegible] which they [illegible] ordered [illegible] report [illegible].

Resolved, That [illegible] is the opinion of this Committee, That the [illegible] Orders [illegible] 4. The Office of the [illegible] Office of the Works be 6,000*l.* 6. The Gardens [illegible] 7. The [illegible] 9. [illegible] 11. [illegible] 12. [illegible] 17. [illegible] jesty's [illegible] Debts, [illegible] year 1694, 50,000*l.*"

[illegible]

[illegible] That the Commons [illegible] Treasury [illegible] out of the [illegible] Revenue [illegible] War [illegible] That [illegible]

[illegible] read [illegible] house.

[illegible] 20. [illegible] to his majesty [illegible] afterwards [illegible] Majesty [illegible] Speaker [illegible] house.

And [illegible] the same was [illegible]

"We, your Majesty's most [illegible] subjects, the commons, in this present parliament [illegible] pressing [illegible] actually paid: by which fraudulent imposing [illegible]

[illegible]

detain 500 guineas, out of a bounty given by [illegible] under pretence of giving them as a bribe to [illegible] jesty, and injury to the officers thereof: and [illegible] due to the Officers and Soldiers; for which de- [illegible]

Col. Hastings's Agent hath refused, or neglected to give an Account of the pay due to the Captains of his regiment, and their companies; [illegible] to justify, they endeavour to cover, by [illegible] ad of Contingencies; which giveth them the [illegible] be detected. 7. Col. Hastings hath discharged an ensign, by putting another into his room, [illegible] the prejudice of your majesty's service, and of the officers who serve under them. 8. Col. [illegible] in your majesty's armies; who ought to be such [illegible] having them redressed by your majesty's jus- [illegible] and it is from a principle of the highest duty, [illegible] your majesty for redress; having an intire assurance, That this our most humble Representation will not only be graciously accepted; but that our expectations from it will be fully answered."

The King's Answer.] March 6. To this his [illegible]

"Gentlemen; I will consider your Repre- [illegible]

Craggs, an Army Clothier, refuses to produce [illegible]

[illegible] attend them this morning, and bring with him [illegible] ners, in relation to the Cloathing; which he did not obey; but sent an Answer to the said [illegible] delivered in at the clerk's table: where the same [illegible]

[illegible] for putting in execution the Act, intituled, [illegible] missioners to examine, take, and state, the public Accounts of the Kingdom; dated at [illegible]

"The said James Craggs humbly answereth, and saith, That he is not any way a public re- [illegible] the revenue of the crown; but hath only dealt [illegible] merchants and dealers, in buying and selling many sorts of goods; and particularly, he and his partners have sold cloathing to several colonels of the army; and have not received any [illegible] the Books of Accounts, any ways relating to the Cloathing of the Army, by him, or any person [illegible] humbly saith, That in the said Books are con- [illegible] this kind of remedy, though countenanced by [illegible] their trust in the equity of a military court. [illegible] giving his regiment to sir John Jacob, his Lieut. [illegible] caused a Declaration to be issued for the strict [illegible] Quarters; charging and commanding all offi- [illegible] disorder, or to use any violence or threatening [illegible] and others; and, at least, if he be forced to produce the said Books, the examination thereof will require the [illegible] merchants and traders into the like examinations and discovery, who, at any time within six years last past, have sold any goods for the use of the Army or Navy, or any other part of the government; and thereby lay open the weakness of their estates and substance; which may expose them to the immediate demands and prosecutions of their creditors, to [illegible] and will tend to the general discouragement of all trade and dealings with the Government. For which reasons he humbly craves leave to offer, That by the law, and true intent of the said Act he ought not to be compelled to produce the said Books, they containing not a public, but a private Account. James Craggs."

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* "And so far he had already thought fit to [illegible] Officers of the Army should meet twice a week, [illegible]

Ordered, That the said Mr. James Craggs be summoned to attend the house immediately.

Ordered, That a Bill be brought in for the taking and stating the Public Accounts for the year 1695.

March 7. The house being acquainted by Mr. Gee, a member thereof, That he had received information by one Mrs. Shorter, and Mrs. Bourman, that a member of this house had received Money for the carrying on a Bill in this house; Ordered, That the said Mrs. Shorter, and Mrs. Bourman be summoned to attend this house to-morrow morning.

Ordered, That a Committee be appointed to inspect the Books of the East India Company immediately: Also, That the same Committee have power to inspect the Chamberlain of London's Books; and that they have power to send for persons and papers.

Craggs sent to the Tower.] Mr. James Craggs attending, according to order, was called in; and his Answer to the Commissioners for taking and stating the public Accounts being read, he owned the same; and being demanded, whether he would produce his Books, and be examined before the said Commissioners, upon oath, touching the Accounts, he excused and refused to produce the said Books; and being acquainted by Mr. Speaker, That if he persisted in his refusal, the house would proceed with all rigour and severity against him; and being withdrawn, a motion was made, and the question being proposed, That Mr. James Craggs, one of the Contractors [illegible] the Army, having refused to produce his Books and Accounts, thereby obstructing the [illegible] of this house into the disposal of the public money, be committed prisoner to the Tower of London; It was resolved in the affirmative.

Commissioners for Hackney Coaches corrupted.] Amidst the cry of Bribery and Corruption, there was a Petition to the house of commons, [illegible] and others, in behalf of themselves and others, [illegible] licensed Hackney-Coach men; which being referred to a Committee, it was their opinion, That the Petitioners [illegible] had proved the [illegible] and were worthy the consideration and [illegible] the house: and that several of the Commissioners for licensing and regulating Hackney and Stage-coaches had, by [illegible] and by [illegible] contrary to the authority [illegible] of the house [illegible] the Commissioners, which they accordingly did; and by their report on March 20 Henry Ashurst and Walter Overbury [illegible] were reported [illegible] clear [illegible], and [illegible] made to his majesty, that he would remove Henry Killegrew, Henry Villers, and [illegible] Gea, esqrs. from the Commission for licensing Hackney-coaches; and they were accordingly removed.

Report of Corruptions in the East India Company's Affairs.] March 20. Mr. [illegible] reported, that the Committee who were appointed to inspect the Books of the East India Company, and also the Books of the Chamberlain of London, the [illegible] as appeared to the committee, as follows:

"As to the East India-Company: That the committee, as soon as they came to the East India house, understood, some clerks of the Company, by order, had lately taken out of their Books an Account of [illegible] Money paid for the special Service of the Company, beginning in the Year 1688.; which the committee called for, the [illegible] of which [illegible] Paid in cash for the Company's special Service.

	£.	s.	d.
In the Year 1688 - -	1,284	19	6
1689 - - - -	2,096	2	9
1690 - - - -	3,056	3	8
1691 - - - -	11,[illegible]	[illegible]	[illegible]
1692 - - - -	[illegible]	[illegible]	[illegible]
1693 - - - -	80,[illegible]	[illegible]	[illegible]
1694 - - - -	4,075	6	3
	107,[illegible]	[illegible]	[illegible]

"Upon which the Committee observing, That the greatest payments were in the year 1693, they searched for the Orders to the [illegible] that Money; the chief of which were,

"One dated the 13th of April 1693; at a 'Court of Committee, in the words following: 'The Governor, this day acquainting the Court 'with what proceedings had been made in their 'affairs, towards granting a new Charter; and 'with what had been [illegible] 'prosecution thereof, the Court approved of the 'said Charges; and ordered a warrant to be 'made out for the same; returned him thanks 'for his great care, pains, [illegible] the 'service; and desired him to proceed in the 'perfecting thereof.'

"Another was dated the 21st of Nov. 1693, at a Court of Committee, held the same day; viz. 'The governor, this day making a Representa'tion of what sums of Money had been [illegible] 'disbursed in the management [illegible] 'of the Company's Affairs, for [illegible] 'the Court approved thereof, and ordered [illegible] 'same paid in cash accordingly; giving him 'their thanks for his great care and pains taken 'therein.'

22nd of Jan. 1693-4; viz. 'It being represented

'of the Company's Affairs, and in order to their

'abide; the particulars whereof are now laid

'paid in cash: and that a warrant be made out 'accordingly.'

particulars, to whom, or for what service; which,

and Francis Tyson, esq. Deputy-Governor, for

found what was called a previous Order: A copy of which is as follows: 'At a Court held 'the 24th of Nov. 1693; sir Thomas Cook Governor: Francis Tyson esq. Deputy-Governor: 'It is ordered, That the Cashier-general do, from 'time to time, make payment of such sums of

'sense of the present debate.'

"By virtue of which, the Governor received

following; at which time, he declared, he had

a Court held the 20th of Dec. 1694, several

the 14th Nov. 1694; who, in pursuance thereof, had drawn up a State of the Company's Cash,

which State near all the aforesaid sums were

15s. 5d

Jan. 1693-4; before observed.

"In the said State, drawn by the said Com-

he had the same in cash? He replied, he had

Cook's note, *in hæc verba*: 'Received, the

'company, 90,000*l.* which I have disbursed and 'paid, for 90,197*l.* stock in the E. I. Company, 'for their account: which I promise to be accountable, for account of the E. I. Company;

'1693.'

do not find any Warrant for the said sum, or

up another State of Contracts. In which they say, They found a Contract, bearing date the

to pay the sum of 12,000*l.* for the same, and

besides all charges here: 2000*l.* part of the

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[illegible] of, one penny: and what is yet more, a certain [illegible]

"That the Committee examining the Members of the Company, concerning this State [illegible] contract was made, it appeared to this Com[illegible] [illegible] lopers, to the East-India Company, were allowed their first cost, and 25*l.* per cent. advance: which was done by giving them credit for so much in the East-India books.

"That the Committee finds, sir Samuel [illegible] the Orders above recited were made; But, they being all Members of this house, the Committee did not think fit to send for them, [illegible]

"And, upon the whole matter, it appeared [illegible] for private service; which they have caused to be placed to the Company's account, under the head of Charges-general; of which, the rest of [illegible]

"But one of them; viz. sir Benj. Bathurst, [illegible] Benj. Bathurst would have called for an ac[illegible] would not: and the Committee of nine, who [illegible] to give an account; but never did: and at ano[illegible] to have it; so that the secret of that service, [illegible] with sir Tho. Cook and sir Jos. Herne.

"Sir Benj. Bathurst being examined, he [illegible] him any particulars; and told him, He should [illegible] Company, to keep their secrets: To which he [illegible] 1694, understanding they were in want of money, he looked into the Cash-Book, which [illegible] Cash; and, taking some persons with him dis[illegible] 90,000*l.* he had re[illegible] to gratify some [illegible] sir Tho. C[illegible]

"Sir Bazil Firebrace being examined, own[illegible] ny; which was for buying shares of stock; and of which the Company had allowed: but [illegible], That a great part of the other sums [illegible] to his hands.—He own[illegible] and offered to lay down money for several, and [illegible] would then take it off their hands; and to Members of the house of commons, among others; and gave an Account to the Company [illegible]

"Concerning the Accommodation with the Interlopers; the Company had a letter, from [illegible] whom was, 25*l.* per cent. for bringing in their [illegible] besides; which about one half of the Interlopers accepted; But Mr. Godfrey, and some others, standing upon 30 per cent. Mr. Colston [illegible] Company.

"Mr. Ward said, It was agreed by the In[illegible] for some other gentlemen: and the original in[illegible] out was, that agreement with Mr. Colston."

R[illegible] committee reported, "That having inspected [illegible] pointed sir Tho. Stamp, sir Fr. Child, sir J. [illegible] dermen; sir Henry Furnace, Mr. Deputy Ayres, Mr. Gilbert Heathcot, Mr. John Joanson, col. Tho. Cuthbert, Mr. Tho. Cudden, Mr. John Harvey, Mr. Daniel Dorville, commoners; or any two of the said aldermen, and four of the said commoners, to be a committee, [illegible] the Debts due to the Orphans of this city; and to solicit the parliament for a Bill for that purpose: In which it is ordered, 'That Mr [illegible] promoting the said service; and the members [illegible] there shall be occasion; and Mr. Borret, the [illegible]

[illegible] council; and ordering, 'That Mr. Chamber- [illegible]

[illegible] said Order was this indorsement; viz. 'The within-mentioned 1,000 guineas were delivered, and paid, unto the hon. sir John Trevor, this 22nd June, 1694, in the presence of sir Robert Clayton, sir James Houblon; which, at 22s. exchange, comes to 1,100l.'

[illegible] the entry is thus; 'Paid, the 22nd June, 1694, by order of the Committee appointed by order of Common-council, to consider of [illegible] city, and to solicit the parliament for a Bill to that purpose; dated the 12th Feb. last; 1,000 guineas; being paid to the hon. sir [illegible] of commons, pursuant to the said Order; [illegible]

[illegible] who said, 'He refused to sign the Order of the Committee, of the 12th Feb. not approving thereof: And, being offered a second time, he refused it again; and abhorred it: But that sir [illegible] send for him to come to him; who according [illegible] men, went to him; where he found the Chamberlain: And, at sir Robert's desire, they went [illegible] his pains about the Orphans Bill; and, as soon as sir Robert and he had passed a compliment [illegible] which the Speaker took; and presently they all [illegible] money, and had it accordingly; but he placed [illegible]

"That the Committee observed, That the [illegible] at first dated the 13th Feb.; and that the person named therein was put in by a different [illegible] warrant, Mr. Borret owned it was his handwriting: And at first said, That he believed [illegible] set their hands to a blank: But all the com- [illegible] That there was a blank for the person's name, [illegible] ful; Mr. Borret afterwards said, The blank [illegible] not tell the time: Mr. Borret owned, he filled [illegible] Stamp was out of town; and sir Henry Furnace was sick: the rest appeared before the [illegible]

"Sir Francis Child, on his Examination, [illegible] Speaker; and could give little account of this [illegible] pass, without giving that sum; and though the [illegible] course at the Committee was, That the Speaker [illegible] necessary to give him, meaning the Speaker, as he understood: And that Mr. Borret likewise [illegible] given; and, he believeth, Mr. Borret was the [illegible] the sum: but after the Committee had agreed [illegible] What they had given? Which Mr. Dorville refused to tell him; but he believes, and un- [illegible] first rise of this matter was, that, having prosecuted a Bill for this purpose, in former sessions, for a long time, without effect, the Committee thought it proper to give this sum to the Speaker, for leave for the Bill to be brought in; and it was signed by the Committee, before [illegible] the house: And further saith, That Mr. [illegible]

[illegible] would cost the city.

"Mr. John Harvey owned the signing of [illegible] was a discourse of several sums to be given, to procure the Bill to pass; some naming 500, [illegible] receive the same.—Mr. John Johnson gave the like testimony.—Mr. Gilbert Heathcot [illegible] Committee; but that he was the last person that subscribed the order; which he did by [illegible] thereby had done them no good; which, he [illegible] sent to give 1,000 guineas.—Mr. Borret, be- [illegible] for a month, or six weeks, and then delivered [illegible] doth believe he did know of it; for he, to sa- [illegible] their agent; who, he believes, had easy access to the Speaker; but that, from the time of [illegible] not been with the Speaker, nor sent to him.

"That the Committee found another Order of the Committee nominated by the Common- [illegible] vice in assisting to pass the Bill in parliament, [illegible] other creditors of the said city; which was sub- [illegible] other Order of the 12th Feb.: on the back of which was the like Indorsement, 'That the [illegible] berlain's Book, the 22nd June, 1694, at 22s.; [illegible]

"That the Committee found in the Chamber- [illegible] Mr. Borret, the City-Solicitor; viz. '1693. Jan. [illegible]

[illegible] amongst which payments they find; 'Feb. [illegible] in, 5 guineas: 21. Paid Mr. Harcourt, by order, 5 guineas. March 23, Paid Mr. Ham- [illegible]

"That the Committee understood, That the [illegible] to satisfy them their real expences: upon which they applied themselves to the court of aldermen: and got a Petition to be signed by many [illegible]

[illegible] Nowis and Smith brought in a Bill to the said [illegible] tended to be a great deal more out of purse; [illegible] charged, 'Paid to Mr. Geo. Finch, for carrying on the Act, 1,650l.' And Mr. Dowse said, [illegible] 6d.: to which they replied, It would not an- [illegible] and Mr. Smith, being examined here, did un- [illegible] the said Bill, or knew of any to be given: but [illegible] ing taken a great deal of pains in long soliciting the same. They did say, That notwithstanding they charged 1,650l. to be paid Mr. George Finch, yet they had not paid him any money, [illegible] Mr. Smith, or by their order: but saith, That [illegible] by money: and that he did receive 100l. from [illegible] 100l. of Mr. Scott; 50l. of Mr. Herne; and had a promise of 100l. from sir John Smith, [illegible] against the duty laid, in the said Act, upon Wines: And, finding the parties concerned to be very many, he did not treat with them; but [illegible]

[illegible] he asked such questions: Which was all the [illegible] ceived any more money than that from Mr [illegible] and Smith, with 1,050*l.* in their bills; though, [illegible] keeping Mr. Finch's account; and therefore sent for them.

"Mr. Nath. Hornby came, upon their summons [illegible] was to determine a difficulty about Mr. Finch's [illegible] let the committee have a sight thereof; and [illegible] ever, what any person owed them; or what they owed any person; but, upon better thoughts, he [illegible]

"Mr. Chiswell, one of the company of the [illegible] a Bill to settle that matter; which miscarrying [illegible] they would have any success; and do as the [illegible] mittee; who find entered therein the Orders [illegible]

'Light Office, Jan. 17th, 1693-4. Ordered, 'That sir Tho. Midington, Dr. Hobbs, Mr. 'Rokeby, Mr. Topham, and Mr. Chiswell, or 'any three of them, manage our affairs in parliament, by such methods as they shall think 'fit.—Light Office, Jan. 17th, 1693-4. Ordered, That the Treasurer issue and pay all such 'monies as the said committee, or any three of 'them, shall order and direct, for the management of the said affair; which orders for such 'monies shall be a sufficient discharge to the 'treasurer for the same; and for which the said [illegible] 'Office, April 6th, 1694. Ordered, that a note [illegible] livered to Mr. Chiswell; which he is to pay [illegible] 'made the 17th Jan. last.—April 18th, 1694. 'That 23*l.* 13*s.* 4*d.* more be paid Mr Chiswell, [illegible] '10th, 1694. Paid by Mr. Fowle and Wootton; their note delivered to Mr. Chiswell, &c. [illegible] '(Vide Minute, April 6th, 1694.) 440*l.* Paid 'more to Mr. Chiswell, as per order, dated April '18th, 1694, 23*l.* 13*s.* 4*d.*'

"Mr. Chiswell said, Mr. Topham and Mr. [illegible] of the Light Office; and Mr. Topham told him, [illegible] Topham's direction, as he believes; but he did not ask him to whom. Mr. Burton and Mr. [illegible]

"That sir John Trevor, Speaker of this house, receiving a gratuity of a thousand guineas, from the City of London, after passing of the Orphans Bill, is guilty of a high Crime and Misdemeanor."*

[illegible] the mace; and delivered to the Clerk, at the table, a Letter from sir John Trevor, Speaker; directed thus; 'To Mr Jodrell, Clerk to the [illegible] opened, and read; and is as followeth:

'Mr. Jodrell; I desire you to present the 'inclosed to the house; and in that you will 'oblige, sir, your humble servant, J. Trevor, 'Speaker. March 13th, 1694.'

[illegible] read, as followeth: viz.

'Gentlemen: I did intend to have waited 'upon you this morning; but, after I was up, I 'was taken suddenly ill, with a violent colick: 'I hope to be in a condition of attending you 'to-morrow morning: in the mean time I desire you will be pleased to excuse my attendance. I am, with all duty, gentlemen, your 'most obedient humble servant, J. Trevor, 'Speaker. March 13th, 1694.'

[illegible] ceed to the Choice of a new Speaker immediately. Whereupon, former Precedents were called for, and read out of the Journals. But an objection was made, That there could be no [illegible] the table; and that no question could be put until that be done: others being of opinion, That was not essential, notwithstanding a for- [illegible] the Clerk, [illegible] the [illegible] which read that speech [illegible] order to [illegible] proper, [illegible] the question for [illegible] 10 [illegible] morning.

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* At the end of the Journal of this day, the following entry is made, in the hand-writing of the Clerk; viz. "2 Maii, 1695. Mr. Harley delivered to me this day's proceedings, and also [illegible] year's Papers. P. J."

'Upon these small beginnings, a common [illegible] was set [illegible] these [illegible] that [illegible] were [illegible] pleaded to [illegible] The house [illegible] the [illegible] resolve to [illegible] the [illegible] They began [illegible] Chamber of London, and [illegible] Orphans, and [illegible] [illegible] Chamberlain [illegible] the Orphans [illegible] the City of London [illegible] in vain, [illegible] to the Orphans. This debt [illegible] Mr. [illegible] Many [illegible] in the [illegible] the Chamber-[illegible] the city of [illegible] London [illegible] Wh[illegible] [illegible] that nothing [illegible] the [illegible] for the relief of the Orphans, [illegible] were [illegible] that it [illegible] pass through the house [illegible] the most effectual way, to prevent the [illegible] of the orphans, would be to [illegible] [illegible] the [illegible] and engage them [illegible] profit, what they would [illegible] Accordingly, [illegible] [illegible] the repayment of the Debt owing to the Orphans by the Chamber of London. Among the sums [illegible] it was found that the Chamber had made [illegible] the Speaker a present of [illegible] for the service he had done in this [illegible] was entered in their books, [illegible] It was [illegible] that a much [illegible] present had been made him, [illegible] the Orphans [illegible] pretend [illegible] whereas [illegible] [illegible] [illegible] Mr. Paul Foley was chosen Speaker in his room, who had [illegible] credit [illegible] and [illegible] of the [illegible] Mr. [illegible] of the house of commons, [illegible] to have received twenty guineas upon the same account, for which he was likewise expelled the house.' Tindal.

March 14. Mr Secretary [illegible] the [illegible] a Letter [illegible] Speaker, dated [illegible] to Mr [illegible] 'Clerk of the [illegible] which [illegible] a Letter, which was [illegible]

'Mr Jodrell; My illness [illegible] this [illegible] [illegible] attend [illegible] [illegible] 'March 14, 1694.'

[*Mr Foley chosen Speaker.*] [illegible]

Mr Wharton (Comptroller of the Household) [illegible] Mr [illegible] the King [illegible] Speaker [illegible] had [illegible] That [illegible] [illegible] Speaker. [illegible] that [illegible] that [illegible] [illegible]

Upon this [illegible] No, No [illegible] house [illegible] the [illegible]

Notwithstanding, the Comptroller [illegible] named Sir Thomas Littleton [illegible] Sir Henry [illegible] upon [illegible] Paul Foley, esq. was proposed by [illegible] Musgrave, and seconded by [illegible] [illegible] question was put [illegible] that Sir Thomas Littleton take the [illegible] house as Speaker. The [illegible] The house was divided [illegible] Yeas on the right hand, and the Noes [illegible] The Tellers were [illegible] viz. For the Yeas [illegible] The Tellers for the Noes [illegible] 179. So it passed in the negative.

[illegible] put, Mr. Foley stood up [illegible] house would not hear [illegible] Chair [illegible] question [illegible] It was Resolved, [illegible]

Foley made his excuse in his place; which was [illegible] first step of the Chair, after some pause, he [illegible]

Mr. Comptroller *Wharton* spake as follow- [illegible] they had chosen a Speaker, they should present [illegible] were cited in the case. Then the Speaker put [illegible] morrow morning, nine o'clock; and so went [illegible]

[illegible] March 13. A Message from his majesty, by [illegible] of peers. Accordingly, Mr. Speaker, with the [illegible] as followeth:

"May it please your most excellent majesty; [illegible] sembled, having, by a very extraordinary occasion, lost the service of their late Speaker, proceeded to a new election: and, being com- [illegible] on your majesty, in full parliament, to present [illegible] mously agreed. I must acknowledge myself very unfit for so great an employment; and wish they have not done themselves a great prejudice therein; which they might have avoided, [illegible] my own opinion, to that of so great a body as the commons of England: and therefore, with [illegible] taken; and that I cannot answer their expectations; though hitherto they will not allow me to excuse myself; yet then I hope they will; and provide one more fit for your ma- [illegible]

[illegible] the modesty which you have shewn, in speaking of yourself; and how just a sense you have [illegible] employment to which you are called: but his [illegible] cation to business, and your experience in the [illegible] well allow of the choice which the house of [illegible]

[illegible] replied; "May it please your majesty; I, [illegible] majesty's approbation will be a great assistance [illegible] jesty's affairs, I shall only make it my humble request, that whatever mistake or fault I may [illegible] your commons; and for myself, not committing any wilfully, I cannot doubt of your ma- [illegible]

[illegible] him.

[illegible] Report from their Committee, and Resolved, [illegible] House, being guilty of a high Crime and Mis- [illegible] Thousand Guineas, from the City of London, [illegible]

Mr. Bird reprimanded for offering a Bribe to a Member.] March 18. Mr. Bird attend- [illegible] Musgrave, a member of this house, to present a Petition to this house. Whereunto he said, That some persons did apprehend, that a Bill [illegible] late of Mr. Howland, did affect their interest [illegible] there being a Title in the case, and knowing [illegible] robe, did intend to give him a guinea for his advice in that matter; but understanding by [illegible] in; and that Mr. Speaker do reprimand him, [illegible] in; and, upon his knees, reprimanded ac- [illegible]

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* Sir John retired to his other lucrative [illegible]

Resolved, "That whosoever shall discover [illegible] in this house, relating to the Orphans bill, or [illegible] nity of this house for such gift."

Ordered, That Mr. Charles Nowis, Mr. James Smith, Mr. George Finch, Mr. Dowse, Mr. Herne, Mr. Chiswell, and Mr. Chadwick [illegible]

Mr. Hungerford expelled, and Sir Tho. [illegible] *examined.*] March 26. The commons pro- [illegible] "That Mr. Hungerford a Member being guilty of a high crime and misdemeanor, by receiving [illegible]" And ordered, That sir Thomas Cooke, a Member, having refused to give an account of the [illegible] Tower; and a Bill be brought in to oblige him to give such account. This Bill was presented [illegible] ceived and read the first time: The next day it was read a 2nd time, and the cashier to the [illegible] cial service or charges general.

[illegible] service of the East-India Company; and sir [illegible]

April 2. The commons in a grand com- [illegible]

A Bill to oblige sir T. Cooke to answer sent up [illegible] April 6. Sir T. Cooke's council were heard, [illegible] duke of Leeds,* lord President of the Council, [illegible] what he was about to say with a most solemn Protestation of his cleanness and innocence; [illegible] 'fectly disinterested, and had no part or con- 'cern in this matter, and therefore might the [illegible]

April 13. Their lordships sent a Message to the commons [illegible] consideration a Bill to oblige sir Thomas Cooke [illegible]

Sir T. Cooke heard by the Lords.] Sir Thomas [illegible] a temper, as to be willing to discover, whereby [illegible] esteemed to be of so pernicious a nature. His [illegible] who sat there? But this was not received.

After this the lords came to a Resolution, [illegible] oblige sir T. Cooke to give an Account, &c [illegible] that he said he was willing and ready; but by [illegible] to discover within a fortnight: He was more than once, and at last agreed

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* Sir Thomas Osborne, created baron of [illegible] Charles 2, August 15, 1673, and earl of Danby, [illegible]

Accounts, of the sum of 10,258*l.* residue of the said 77,258*l.* or discover to them upon oath how

than to himself; provided, that if he shall not,

thenceforth continue a prisoner in the Tower,

for taking the Public Accounts."

"My lords and gentlemen; I take this occa-

are so pressing, that I very earnestly recom-

session in a few days."*

been cashiered; however, that he will repeat

majesty, praying, "That his majesty, in his great wisdom, would please to take care for the

"In this, as in every thing else, I shall always endeavour to have a due regard to the interest,

Comptroller Wharton made a Report from the

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* "As it is impossible not to discern the

posed to revere the character of a 'Deliverer,'

be at leisure to reign; and to king William it

† "The Lords appointed 12, viz. The lord

sir R. Onslow, —— Bridges, esq; sir Hen.

was a mixture of Patriot and Courtier, Whig [illegible] of an Act, intituled, 'An Act to indemnify sir Th[illegible] be liable to, by reason of his Discovery to whom [illegible] chequer-cha[illegible]

"Sir Thomas Cook being called in, and the Act read; he thereupon observed to the said Committee something relating to the Clause [illegible]

"Sir T. Cook, being sworn, acquainted the [illegible] Confession down in writing; a copy whereof is hereunto annexed; the original being read by him: and the Committee conceiving it to be [illegible] the committee let him know, That they expected a more particular Account of those [illegible]

"To the first sum, of 10,000*l.* mentioned in [illegible] to Mr. Tyson in Nov. 1692: That he gave him no direction how it should be disposed; but it was in expectation to have the Charter of the [illegible] intended for the king; but he could not say the [illegible] He saith, It is a customary present: and that, [illegible] made, were in an ill condition; and that he [illegible] repaid in four or five months time: The [illegible] Mr. Rd. Acton, about the same time: who [illegible] had that money; that he intrusted this money [illegible] subscriptions for a new Company going on; [illegible] would be ruined; that to the best of his remembrance, there was a Bill at that time, for another East India Company; and that the [illegible] same sessions: the other 2,000*l.* to Acton was [illegible] which were great: Acton did say, He could tell [illegible] promoting their affairs in parliament, but cannot say to whom it was given; but understood it [illegible] bution.

"That Mr. Acton had, at that time, an interest in the East-India Co. to the value of [illegible] for some time: that he gave this 10,000*l.* with the privity of sir Josiah Child; who recommended Acton as a person capable of doing [illegible] Acton employed in the distribution of this [illegible] and in the house of commons: but further [illegible]

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concern for the prosecution; and it is certain [illegible] pose: and the great point of contest between [illegible] thing; and that my lord never had it, but that he had made use of it himself. [illegible] the service of the Company; he saith, It was paid to capt. Germain; he saith, That Mr

Co. interest; upon which consideration the said 562*l.* 1*s.* 8*d.* was paid him.

there was a promise of a further sum; but the

Firebrace: it was paid him about Nov. 1693;

sum of 30,000*l.* paid to sir Bazil; he saith,

* "The very mention," says Ralph, "of

still under a Tory, if not a Jacobite direction.

a long while after the Revolution: these cor-

tration: those, who by their endeavours to es-

"That it was agreed, That in case the Char-

cent: their stock was then at 100 per cent.;

distributed, nor would sir Bazil give him an

him to do it; and sir Bazil said, if he were fur-

compence for the fall of the Stock: the Com-

at 100*l.* per cent. if an Act passed, in 18

charter; but the act of parliament not being

came void.

him; which consideration he declared he had not received: He likewise produced another Contract, dated 25 Oct. 1692. He saith, there were several Contracts; some to the value of 60,000*l.* on account of procuring a new Charter; and others to the value of 40,000*l.* on

they were all in sir Bazil Firebrace's name:

and Wotton, to Mr. Edw. Allen, scrivener,

Stock of the East-India Co.; and, he believes,

pany's use: that he was accountable for it:

Company; other part was sold for their use,

	£	s.	d.
[illegible]	597	8	10
[illegible]	10,000	—	—
[illegible]	2,000	—	—
[illegible]			
[illegible]	350	—	—
[illegible]	382	1	8
[illegible]	[illegible]		
To Charles Bates esq. on the same Account, 500 guineas	[illegible]		
[illegible]	[illegible]	—	—
[illegible]			
To ditto, for .... ditto .... 5,000*l.*			
[illegible]			
[illegible]	218	6	8
[illegible]	218	6	8

[illegible]

[illegible] particulars below appears; viz.

	East India Stock.				£.	s.	d.
Of Mr. Robert Marshall	4,066	10	—	[illegible]			
Of Ralph Marshall esq.	2,033	5	—				
Of Mr. Abraham Wilmer	[illegible]						
[illegible]	[illegible]						
Of Mr. Wm. Sheppard	[illegible]						
[illegible]	[illegible]						
[illegible]	[illegible]						—
[illegible]							
Of Mr. Robert Lancashire	[illegible]						
Of Mr. Vincent Shepard							
[illegible]					3,049	17	6
[illegible]			—				
[illegible]							
Of Sir Tho. Grantham	1,694	7	6		1,524	18	9
[illegible]							
[illegible]	4,744	5	—				
[illegible]					17,996	1	5
[illegible]			—				
[illegible]			—				—
Of Mr. Thom. Powell	17[illegible]				[illegible]		—

[illegible] Stock cost [illegible]

[illegible]

[illegible]

[illegible]

[A] informed the house that earl Rivers, who [illegible]

[illegible] esteem and honour for this house as hereto- [illegible]

[B] observed, that as to all the little sums, sir Thomas Cook knew very well to whom they [illegible] received; for sir Basil would not give him any [illegible] we were [illegible]. You have it among you, gen- [illegible]

[illegible] say: Tyssen told him, he gave it sir Josiah Child, who said he gave it the king. [And [illegible] tomary present; and that in king Charles's [illegible]

[illegible] was unwilling to hear him; but did not doubt but Acton would give a particular and satis- [illegible]

[illegible] the value of 60,000l. on account of procuring a [illegible]

[illegible] was guilty; the members could not be inno- [illegible]

[illegible] a Member of [illegible]

[illegible] who was accused for receiving a considerable [illegible]

Ordered, That Mr. Fowles, Mr. Wootton, [illegible]

[illegible] came from the lords, desiring a present Con- [illegible] that all future Examinations of any of the per- [illegible] Cooke, be had before a committee of both houses. To which the commons agreed.

Examination of Sir Basil Firebrace.] April 27. Mr. Comptroller Wharton made a Report [illegible]

[illegible] quer Chamber.

"Sir Basil Firebrace, being interrogated [illegible] losses; of which he hath given sir Tho. Cook a satisfactory Account: that he received the 10,000l. some time before the Charter for the [illegible] of a contract with sir Tho. Cook; it was for [illegible] cent. falling afterwards to 100l. per cent. the [illegible] much as the 40,000l paid him: That he is [illegible] for himself, and for the use of no other person [illegible] ment: nor made any promise so to do: That [illegible] vours to procure a new Charter; for that it [illegible] tion; and that he did endeavour all he could [illegible] the Money; but that he, this deponent, told [illegible] mentioned therein, was paid; and refers to the Contracts; that in some of them 5l. per cent. in others 5s. is the premium mentioned: [illegible] and other services: he knew not of any Money, [illegible] procuring a Charter. Being asked, Whether [illegible] person? Saith, That no part of it was to any [illegible] member: but saith, That he lives at Thanet House: that he was not sure whether he paid that out of this, or his own: It was paid to [illegible] differences.

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* See State Tracts [illegible] the reign of William [illegible]

[illegible] Chamber.

At a committee of both Houses, appointed for [illegible] ing the receipt of Money mentioned in a late act: and touching the distribution [illegible]

[illegible] count: which, being examined and compared [illegible] hereunto annexed: And deposeth, "That at the time when he subscribed 10,000*l.* into the [illegible] for his security in case the Stock fell, to have [illegible] in March; at which time a Sale commenced; [illegible] from sir Basil; for that, having subscribed before, he knew such terms were to be had: That [illegible]

[illegible] Firebrace's Account, examined as aforesaid; and is hereunto annexed, and signed by him: [illegible] any money was paid by sir Basil's order: That [illegible] Money; and hath no other Accounts, as to [illegible]

[illegible] be called in, further deposeth, "That, [illegible] had a treaty with Mr. Bates, whom he thought [illegible] 5,500 guineas to Mr. Atwell, payable to Mr. Bates, or bearer: That one note was for 3,000, and the other for 2,500 guineas; That he, this [illegible] hands; who told this deponent, That he would [illegible] ver them again: That the 2,500 guineas were [illegible] India Company passed; the other, for 3,000 [illegible] Bates did with it; for that Bates would not deal on such terms of telling names: That [illegible] General might wait upon him; and he accord[illegible]

[illegible] 5,000 guineas were offered by Bates back again to him; who said, That this might make [illegible] much, he would give it him again; and that, [illegible] of 5,500*l.* was brought to this deponent: that [illegible] this money at first; but did afterwards consent [illegible] before this committee: whereupon this depo[illegible] able to Mr. Atwell, or bearer: and this deponent believes, He, the said sir Tho. Cooke, had a double Account; the one was made up [illegible]

He further said, That Bates would have paid back the whole; but sir Tho. Cook said, [illegible] mentioned in this deponent's Examination, and [illegible] the same was declared before witnesses. That [illegible]

[illegible] great interest with my lord Nottingham; and [illegible] Derby how the Queen's pleasure was: col. [illegible] the lord Nottingham for 5,000 guineas, upon [illegible] ainent; but the lord Nottingham refused to take it: hath heard a Note, signed by sir Josias Child and sir Tho. Cook, for 50,000*l* was lodged in Tyssen's hands, for about a year, to be paid, in case the act passed; and that it [illegible] land: That Tyssen told him, He had made an offer, and it was rejected: that Tyssen told him this lately: That 1,000 guineas are entered [illegible] of the Interloping interest: and made great [illegible]

"Mr. Ward said, If he had 1,000 guineas, [illegible] on the arrival of the ship Seymour. That sir Wm. Pritchard and Dr. Ratcliffe did accept some East India stock; but on the same terms as any merchant might have done; and they [illegible]

[illegible] sum of 10,000*l*. and 2,000*l*.: that he, this deponent, did tell sir Tho. He had friends that would take pains to do the Company service but they would have 10,000*l*.: That sir Tho. agreed, 10,000*l*. should be given; whereupon this deponent advanced that sum: this depo- [illegible] attending two sessions: if the Bill for a new [illegible] had nothing: That he verily believes, He gave sir Tho. an Account to whom he distributed it, [illegible] trusted to him: that he did not distribute it to Members, but to those who had interest with members: Some of them, to whom he [illegible] Craggs; with whom this deponent was concerned in cloathing the Army; who had ac- [illegible] some Northern Members; Mr. Wallis, Mr Pudley, Mr. Duckmanick: Mr. Goldwell, who [illegible] gave money to: and that, if he had a little time to peruse his Papers, he could recollect further."

[illegible] causing a good understanding between sir Tho Cooke and the Interlopers: That he concerted [illegible] a different interest: That sir Basil made some terms with sir Tho. upon which a Charter was to be had: That he perceived, by sir Basil, [illegible]

[illegible] meetings; his business being only to go upon errands to procure meetings: and that one [illegible] he intended to make a porter of him? Sir Basil [illegible] guineas; and that, about two months since, he [illegible] proper stock; and had his Contract for the repayment of it in six months, if desired: he ge- [illegible] ber.

At a Committee of both houses, appointed for [illegible] thereof:

Mr. Wootton exhibited a particular Extract relating to sir Basil Firebrace's Account, taken out of his cash-book; and, being subscribed, is hereunto annexed; is the same with Mr. [illegible]

Mr Bates's Examination.] Mr. Bates, upon his Examination, deposed, "That sir Basil Firebrace did apply himself to him, to use his interest for obtaining a Charter to the East India Co. the old Charter being forfeited; and [illegible] grateful for it; but cannot remember that any particular sum was named: That he, this de- [illegible] sident; who said, He would do what service he could: and further saith, That the Lord [illegible] and thought the forfeiture of it a hardship: that the Lord President had often shewed himself his friend: That he received three notes for 5,500 guineas in the whole: that he sent a servant to receive the money; but cannot say the time: that he told my Lord President what [illegible] my lord, but he refused it: whereupon this deponent, in regard he could not tell money very [illegible] ingly M. Robert did receive the money: That [illegible] time; and that he, this deponent, gave no [illegible]

"But afterwards, he, being examined to the [illegible] notes were not given: That he thinks, when he had the first treaty with sir Basil, That sir Basil did say, He should have a sum; and thinks he named a particular sum: That 500 [illegible]

[illegible] other 5,000 guineas afterwards: That the sum [illegible] M. Robert, after he had received the money, [illegible] which, as he takes it, was upon Monday or [illegible] study; that he may have spent some: The [illegible] think he did not deserve them: That the [illegible] use; and that he might give them to his [illegible]

Second Examination of Sir Basil Firebrace.] Sir Basil Firebrace deposeth, "That the East-India Company's Charter being forfeited, sir [illegible] him, observing him active, and to have interest [illegible] hensive, that it stuck with the duke of Leeds; [illegible] must be found out to the duke: he thereupon [illegible] pretend to talk with the duke; but said, he, [illegible] would do: That sir Basil told him, he thought a Present might be made of 2 or 3,000*l.*: that Mr. Bates went to St. James's; and said, He had spoke to his friend, and that more had been offered on the other side: at another time he said, more was offered by our side: at [illegible] acquainted sir Thomas with this proposal; who said, If it was insisted on, it must be done: [illegible] Bates then said, This was nothing to him; he ought not to be employed for nothing: So this [illegible] given to him besides: That, at first, Bates [illegible] the duke should not oppose, but be silent; be- [illegible] for it:—It was then agreed, That if the duke [illegible]

[illegible]

"Sir Basil produced a copy of Mr. Bates's [illegible] when the money was paid; and had not taken a copy of the counter-note for the 2,500 gu. [illegible] for the money: and he did call for it in two or [illegible] in a week after the passing of the second Charter: from the time the notes were given [illegible] called it his friend at St. James's: that the con- [illegible] putting out my lord's name, and making it not [illegible] Bates said, It came from his friend at St. James's:—That, about a week before the [illegible] said, He [illegible] a mistake; and had brought it [illegible] by computation came to the same sum: That [illegible]

"This deponent saith, That, on Monday [illegible] Clyve, a friend of sir John Trevor's, who said, He brought it from sir John Trevor, to whom [illegible] hands, under colour of an arrear for four or [illegible] great seal: And he, this deponent, was present when sir Tho. Cook gave it: There was, at [illegible] John Trevor, for a new-year's gift, by sir [illegible] paid till since Lady-day; and, as to the other [illegible] Guy: That he offered the same to them by Mr. Guy; but Mr. Guy told this deponent, [illegible] but would do any service to promote getting [illegible] Charter: And, sir Edw. Seymour after-this deponent, did intend a distribution of all the 30,000l. in manner following; viz. To sir

lopers, 10,000l.: and to himself, 10,000l.

sir John Trevor and Mr. Guy; and the other

“ Mr. Acton delivered in an Account in

That Mr. Wallis had a sum of money given

“ Several of the gentlemen of the Commit-

nature of a Report, to that Company.
Examination of Sir Josiah Child.] “ Sir Jo-

his remembrance; always affecting ignorance in that matter: said, He did recommend Mr Acton, as being an honest man; and thought

ment, because of his acquaintance: That he did recommend it, that a present of 50,000l.

Evidence: Says, there was a kind of a Com-

sen to divide them.”
“ Mr. Atwell produced his Cash-Books; by

Bates had received 545l. 6s. 3d.; 10th Oct. 2,181l. 5s.; 10th Nov. 9,275l.: and said, the

“ Mr. Bates, being examined again, said,

Books expressed: and further owned, that he

o'clock

“ Mr. Tysson, being examined, said, that

so done; saying, If he had, he must never

before the date of any order for that money

Mr. Comptroller Wharton made a Report from

them taken, which being read, after the read-

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[*] From “A Collection of the Debates and

upon the Inquiry into the late Briberies and Cor-

it seemed a crime to be virtuous; and that pro-

their services to their country.—This occasioned that severe exclamation, ‘O urbem venalem et

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[illegible] to the bottom. The house has a thread in their [illegible]

[illegible] of abject Pensioners in parliament, a List [illegible]

[illegible] Treasurer.—Then was the time when a hungry member was sure of a Dinner* at one or other [illegible]

[illegible] sir Richard Wiseman were then allowed to keep [illegible]

—So numerous were these hirelings in that illustrious body, that if any point were there car- [illegible]

[illegible] was a contended election in that house of com- [illegible]

and it being carried for Mr. Bertie, the lord O Brian, who was related to the then Lord Trea- [illegible]

and said, 'My lord! we have carried the day, 'and voted thirteen more than one and twenty' [illegible]

[illegible] traffic away nations and the rights of a free-born people? We have a famous instance of the [illegible]

[illegible] he was thrown down from his high station upon [illegible]

[illegible] ing a servant to accept a present of a set of [illegible]

[illegible] tradictious! I move that the house would put [illegible]

[illegible] allow.

[D] Mr. Speaker, I do fully agree with the [illegible]

[illegible] you have is, as it were, by the utmost force and [illegible]

you now find so great a man at the bottom; but there is no person in a post so high that this [illegible]

[illegible] struct this enquiry. First, his majesty's name [illegible]

[illegible] quiry; and if it were made use of there, you [illegible]

[illegible] being a matter of reflection on the king, that sir [illegible]

[illegible] yearly as a present, they had not offered to his [illegible]

[illegible] matter of right, a matter of custom.—Then a [illegible]

[illegible] they offered any such thing to him. I having [illegible]

[illegible] what of the guilty. A stop having been put, the duke of Leeds must be applied to: certainly there never was a more notorious Bribery, and [illegible]

[illegible] to have been free from such a crime, whether [illegible]

[illegible] vour to remove such a person from the king's [illegible]

[illegible] Certainly a man may reasonably believe, that he [illegible]

[illegible] if he can have a sufficient bribe. What prince can be safe in such counsels which are given for private advantage? Several proposals for re- [illegible]

[illegible] of Leeds; but, with submission, an Address [illegible] at this time, and upon such an occasion: I [illegible]

---

* The practice was, that besides a dinner, [illegible] vice, every one found under his plate such a par- [illegible] had merited.

of his majesty's Council, be impeached by this [illegible]

misdemeanors; and particularly of Corruption in taking a Bribe of 5,000 guineas to obtain a Charter and Regulation for the E. I. Company."

[*E*] says, I wonder the gentleman who spoke last should say that which I hope he did not [illegible]

easiness I stand up, but that gentleman forces [illegible]

a dunghill. I was far from saying any such thing, but argued only from possibility; that it [illegible]

That when honour and justice were not the rule of mens actions, there was nothing incredi- [illegible]

impeachment.

[*G*] says, That God alone, who can pro- [illegible]

the dark practices in this affair. That such actings as these are a blemish, if not a scandal to the Revolution itself; I agree in the motion for an Impeachment.

[*I*] Demanded, By what law it is a crime to take money at court?

[*K*] answered, If there be not a law, it is time there should be a law to prevent it.

[illegible]

common law. But there are parliaments to punish such crimes, and it is hoped there will [illegible]

[*M*] says, It seems doubtful whether there be matter in this Report for an Impeachment; [illegible]

Report, and see whether it be a crime

[*N*] objects, There is no law, so no trans- [illegible]

Resolved, "That Thomas duke of Leeds, [illegible]

high crimes and misdemeanors; and acquaint [illegible]

manner, viz. "That as he had formerly pro- [illegible]

servants, Mr. Bates keeping but a footman, to [illegible]

sum; but afterwards Mr. Bates came to him, [illegible]

which he offered to him, telling his lordship that [illegible]

nestly to take one half or a quarter; which he [illegible]

his lordship, I did once to Mr. Harry Saville, for whom I had a great respect; which reminds me of a story I must needs tell your lordships [illegible]

ders for it, who were to give in their proposals [illegible]

when but one is to have it? No matter for that, [illegible]

I have done him this service; and I am sure of a good present, without more ado: So, my lords, when the men came, I told them one after ano- [illegible]

your friend. A little after, when the thing was settled, Mr. Saville came and thanked me for [illegible]

present that he had expected; which I told him [illegible]

to Mr. Bates.'

[illegible]

ments of a chair, and leave to be covered;

effect:

In the first place, I thank you heartily for this favour of hearing me. I had attended sooner,

from the Committee of both houses; I did all I could to be informed of the particulars, but could not, nor have I any notes. I was earnest

of a Report, a monstrous long report, to the

of either or both houses; it is a bold truth, for it is a truth: this house had not been sa-

hope I have since done, and shall by all the

whom I have long known, and if I am not much deceived in him, I cannot believe that gentleman would have transacted such a matter if put upon it. The Evidence is but hear-

ing into particulars; but there is a Money-part, as well as a Treaty part; and as to the Money-part, much of it is false; what is true, I have

and honour, have I ever touched one penny of the money. I observe a great deal of pains

matter by a side-wind, and Firebrace thinks his

very willing witness.—I have a thread which I

this was a design laid against me, long before the naming of this committee; that warning

favourable justice. It will be a most unfortu-

least preserve me from cruelty; and not the

parliament shall sit again. If you will proceed,

be brought to a determination, and that I may

duke's Speech into consideration, a worthy member said,

to the matter, would not enter into particulars,

ment of a contrivance was, that the 5,000

Thomas Cooke had a double Account, one

this is an indication, that if there was a con-

such a contrivance, such a thread as is men-

be done, in order to gratify that lord by a speedy

Tuesday morning, M. Robart brought it to him; but he would never declare from whence he brought it.

In the middle of these debates, a Message of his majesty's most honourable privy-

some time gathering, and it

[illegible] Articles of Impeachment, to the end a cer- [illegible] that purpose.

Upon this, the Commons ordered, "That [illegible] cles of Impeachment against him, be referred [illegible] whom it was referred to draw the said Articles of Impeachment: and that they do con- [illegible] to the course of parliaments; and report the [illegible]

May 2. The Duke complained in the house [illegible] the Impeachment was only to load him with disgrace, and that they never intended to try him. And added, 'That the party used great partiality [illegible] others: that they shewed a mark of their partiality and spleen, in their Amendment to the Bill for imprisoning sir Thomas Cooke, sir Basil Firebrace and the others; sir Basil was to be [illegible] lordship.'

The offering of Money to a Member voted a [illegible] commons Resolved, 'That the offer of any mo- [illegible] liament, for the promoting of any matter what- [illegible] liament, is a high Crime and Misdemeanor, [illegible] Constitution.'

May 3. A motion being made in the house of lords, to read the Bill for granting to the king a duty upon Glass, &c. the duke of Leeds rose up and told the lords, 'That it grieved [illegible] lords would consider his case, not only as his, but the case of any of their lordships; for it was in the power of a tinker to accuse at the end of a session, and one might lie under it without remedy: and since that they, by mismanagement, had delayed this Money-bill for [illegible] quence if it should lie a day or two longer. His lordship pressed very earnestly, that if the [illegible] ment might be discharged; for, if it were not, [illegible] thing in it; for tho' they had appointed a Com- [illegible]

[illegible] ence, delivered a written Paper to the lords, signifying, "That the commons will [illegible] manner and form as in the Articles mentioned [illegible] duke; and that in the preparation of the Evi- [illegible] sitions before the Committee of both houses to be a material witness, is withdrawn since the [illegible] made to the king, to issue a Proclamation for [illegible]

[illegible] heard-of, an unprecedented thing, to charge a [illegible] a material witness, and lay it upon him to produce this witness; as if a person were obliged [illegible] Robart to see his daughter Lempster, who went [illegible] sibly return: That his lordship told the foot- [illegible] call'd him; but when his lordship ask'd for him [illegible] Bates was in prison; which the footman own'd [illegible] a Letter from Robart, with a desire to acquaint [illegible]

Switzerland, through Holland; from whence he

[illegible]

insisted upon as a material Evidence, and that my Trial is to be delay'd till this person is forthcoming, when am I to be tried? I humbly

[illegible]

Resolution, that if this matter be not immediately proceeded upon, so that I may be try'd

[illegible]

Upon which some few lords cried, 'Well

[illegible]

for imprisoning sir Thomas Cooke, sir Basil

[illegible]

Bill entitled, 'An Act for the king's most gra-

[illegible]

tion, amongst others; 'Except also all persons

[illegible]

of June, and it was prorogued accordingly †.

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* "Surely that out-cry of theirs was rather a mark of scorn than approbation: for though

[illegible]

prived his adversaries of that legal proof which

[illegible]

whole world: and if any thing could be added to the reproach which he had brought on his

[illegible]

and the contumacious demand of a speedy

[illegible]

† "Burnet, who, speaking of the Act of

[illegible]

the whole discovery was let fall: And,' continues he, 'it was believed too many of all sides were concerned in it; for, by a common consent, it was never revived.'" Ralph

[illegible]

the gracious Speech from the Throne, it will be proper to give a short account of some other

[illegible]

of this session, the popish Lancashire Gentle-

[illegible]

will be proper therefore to premise a brief Ac-

[illegible]

order that a right notion may be formed of the

[illegible]

Trenchard, Secretary of State: "That he had

[illegible]

thence into Ireland: that from Ireland he was sent into England, with commissions from that

[illegible]

shire, &c. to raise war against king William

[illegible]

ed in his Narrative. That, at the instance and

[illegible]

of the late king James, in order to an invasion and insurrection in that country. That he was

[illegible]

the late king, to signify their readiness, and receive his further commands; and that, when he was in London, besides his employment of

[illegible]

hours, put an end to the session, the prosecu-

[illegible]

overtake justice, and the prosecuted to manifest his innocence. Moreover, to carry on the feint of a prosecution, and thereby to save ap-

[illegible]

Committee to be read; and not only affected

[illegible]

against sir John Trevor; and when a motion was made to adjourn, by those, it must be sup-

[illegible]

mockery, or unwilling that their adversaries

[illegible]

by a considerable majority. Lastly, when the

[illegible]

to issue a Proclamation for stopping the ports,

[illegible]

done; though, it ought not to be forgot, that

[illegible]

[illegible]

Evidence was confirmed by the testimony of [illegible] in the delivery of king James's commissions, [illegible] persons, some at a great distance from, and [illegible]

[illegible] conspirators; and though, for the greater se- [illegible]

[illegible] world, that there was a treasonable design on [illegible] wise found in Mr. Standish's closet, at the [illegible] July, 1694, the draught of a Remonstrance or [illegible] king James's landing; which, according to Mr. [illegible]

[illegible] continued about a month. During this time, their friends and solicitors exerted all their skill [illegible] was attested by Mr. Baker, Mrs. Hearst, Mr. Clayton, Mr. Brown, and Mrs. Eliot; and that [illegible] action; but others, through great importuni- [illegible] house. But that, which raised the great cla- [illegible] gaining one Taffe, alias Thomas O Mullen, an Irishman, to the other side; which happened [illegible]

the king, resolved to atone for that crime, by [illegible] was represented to Lunt as a person, that had [illegible] Germains? adding, that, if Lunt could discover [illegible] majesties, he would introduce him to a person, that would receive his information. Lunt gives [illegible] again in two or three days; which Lunt obey- [illegible] posed, he sent Lunt with a letter to sir John [illegible] discover, first sent him into Kent, and after- [illegible] performed it; Taffe heard all the information [illegible] most forward of any to have the persons accused brought to justice; and, pretending to be ser- [illegible] and other places.

Taffe shewed an extraordinary zeal in his [illegible]

---

* "Taffe was an Irish priest, who had not [illegible]

[illegible]

him in hand, with assurance (as was afterwards [illegible]

[illegible]

that inhuman resolution till the trials were [illegible]

[illegible]

[illegible]

trial [illegible]

[illegible]

commons.

[illegible]

[illegible] Mr. Lunt's information was read: as also Mr. [illegible] pers delivered into the house by Mr. Aaron Smith were likewise read; among which were several printed papers. Whereupon the house came to the following Resolutions. 1. "That [illegible] trials of the gentlemen at Manchester. And, [illegible] there was a dangerous Plot carried on against [illegible] clamations of that abdicated prince, to be [illegible] Besides this, the house, after having given an [illegible] Hall in Lancashire into custody, and their messenger reporting, that he was not to be found, addressed the king to issue out a proclamation [illegible]

[illegible] mons was no small mortification to the Jacobites; yet, in hopes of better success, they laid [illegible] the Lancashire and Cheshire Gentlemen? It was carried in the affirmative; though the [illegible] gentlemen.

[illegible] assizes in August 1695, brought on trials upon an information of perjury against Lunt, Womball, and Wilson, three of the king's witnesses, who were all found guilty; and afterwards indicted for a conspiracy against the lives and estates of those gentlemen. But, the gentlemen refusing to furnish the king's Attorney and Solicitor General with witnesses to prove the pretended perjuries, the prosecution was let fall, and Lunt, Womball and Wilson discharged."

Case of Baronies by Writ.] On the [illegible] March, the Heralds [illegible] the house of peers [illegible] Descents of Baronies by writ: after debate this question [illegible] right to demand a summons to parliament? It [illegible]

Protest thereon.] [illegible] sent for these reasons: "1. Because, we con[illegible] a matter fitter to be provided for by a law than [illegible] hearing council on all sides, in a particular [illegible] on a bare motion made by some lords, who, [illegible] wise seem to us to be repugnant to the judg[illegible] and by their lordships thought fit to be referred [illegible]

'and Badlesmere, our opinion is, that the same 'descended to the general heirs of John the 'fourth earl of Oxford, who had issue John 'the fifth earl of Oxford, and three daughters; [illegible] 'another to Winckfield, and another to Knightley: Which John the fifth, earl of Oxford 'dying without issue, those baronies descended 'upon the said daughters as his sisters and 'heirs; but those dignities being entire, and 'not dividable, they became incapable of the [illegible] 'and they, in strictness of law, reverted unto, 'and were in the disposition of king Henry 8, 'and yet nevertheless, we find that four several 'earls of Oxford successively, after that descent 'to three daughters, as heirs males of the said [illegible] 'honours and titles in their writings, leases and 'conveyances; and their eldest sons have been [illegible] 'the baronies were in his majesty's disposition, 'and, in their report to the king, did declare, [illegible] 'majesty's hand to dispose at his own pleasure.

[illegible]

[illegible] act, in a judicial manner, but only in our legis- [illegible] more than one female heir, to whom, or to [illegible]

[illegible] of April, the house of lords taking into con- [illegible] follows:

[illegible] justice, and favour, and patience, in your exa- [illegible] fore I will not trouble you with observation on [illegible] openly practised in this debate. I will not, I need not insist upon it; your lordships have all [illegible] such an over-eagerness in a very small number [illegible] ing me, only exposes themselves. Yet I am [illegible] jury; of which yet I am so innocent, that they [illegible] me, I am confident.—Neither will I take up your lordships time with recriminations: I con- [illegible] be the first accuser; but though never so much [illegible] thing I shall trouble you with, is the defence of what a man cannot be too careful of, my [illegible] ships a true story very plainly. If I should [illegible] I have neither used counsel without-doors, nor troubled you with any here; being of opinion [illegible] sistance.—About four years ago I designed to build a house, and therefore disposed of that I [illegible] my proposing it to those concerned, I found two difficulties; first, the title was so perplexed, [illegible] ment to clear it; the second was, that the in- [illegible] the city of London. I endeavoured to over- [illegible] act of parliament: and for the other, I treated [illegible] for a house, a court before it, and a small garden behind it. I think, the first time I pro- [illegible] I desired a lease of 150 years; which yet was refused; and after many months I obtained [illegible] about a twelve-month, one of the city officers brought me Articles to sign; of which one was, that the lease should be void, unless I procured [illegible] matters about it; wherein some clauses of his [illegible] that were to consent to such a private act, [illegible] it, that in a little heat I told this small officer, [illegible] such a condition. Mr. Lane grew excessive [illegible] sworn; and very pertly told me, he was not to [illegible] fices by a misrepresentation, I agreed, not that [illegible] only that I would, as a party, give my consent [illegible] so too. But the true reason why I refused his proposal, was not for the least doubt I had of [illegible] ment to any private bill, which, I feared, so [illegible] the lease at last, and it lies also on the table, [illegible]

---

* John Sheffield, earl of Mulgrave, created [illegible]

[illegible] use to me, without building my house; which [illegible] it. Upon this I will make a few remarks, and [illegible] bribe of a mere bauble is inexcusable; yet [illegible] judge if it be a bribe, or not, I suppose a plain [illegible] ment; because, indeed, they can be understood [illegible] in this very lease, I am obliged to free the city [illegible] the lease is as odd a cavil as the rest; since 100 years is certainly as proportionable a term for such a great house, as forty years for a little [illegible] about Gulston's bill; I confess, my memory did not lay that value upon it, as it seems their [illegible] appears to have been a private bill which in- [illegible] which I delivered their petition, and made the [illegible] the bill.—It happened very lately, that an [illegible] undone him. I fancy, if any lord had stopped [illegible] of the whole proceeding with a great city, for at least a year together, without interruption [illegible] Before a committee of twelve common-council [illegible] lordships will take notice of that remark, because of a great estate lost here lately by equal votes) not by an equality; if so, I should not wonder at a review taken of it; for things car- [illegible] lords, by a great majority; it was sworn here [illegible] a year's purchase; so I have a notable bargain [illegible]

[illegible] by that city-officer.—Observe also, if you [illegible] thing done by these; and they cannot be com- [illegible] I shall ever be proud of, and yet all the while [illegible] my only interest here: A direct contradiction [illegible] so slight a matter; which indeed was unneces- [illegible] misdemeanors amounted to a treason, I am confident a thousand slanders out of the mouth [illegible] able to give a suspicion of misdemeanor, unless [illegible] occasions; and perhaps should be too apt to do it in my own case, especially if any lord [illegible] doubting but in such a case, my innocence will [illegible] much better defended than if I were here my- [illegible]

After debate, the question was put, 'Whether [illegible] a Lease of some lands lately passed to the lord [illegible]

"Dissentient. Because we humbly conceive [illegible] the opinion of this house, without doors, to per- [illegible] especially, in a matter depending before us, a bill agreed to by the house of commons. Which [illegible]

[illegible]

Sir T. Middleton having declared, upon oath, [illegible]

[illegible] was concluded; both affirming that no other [illegible]

[illegible] oath; which are the more remarkable, because [illegible]

[illegible] the house of lords; which share was assigned to [illegible]

[illegible] prize them of the case; yet it appears, by his [illegible]

[illegible] vote, in relation to the second part of it, which [illegible]

[illegible] that appears in the books is expressed in these [illegible]

'1693. At a Common Council a motion was 'made for gratifying a person of honour, who [illegible]

[illegible] 'tinue so, with a long term of years, in about [illegible]

'being in Conduit mead, behind Clarendon-'house. The question being put, Whether this 'court will empower the committee, for settling [illegible]

[illegible] 'at and under such rents, covenants and con-'ditions as the said committee shall approve [illegible]

[illegible] 'ferred to the said committee accordingly.'— [illegible]

[illegible] 'It being, by special order of this honourable [illegible]

[illegible] 'a person of honour, who hath been very friend-[illegible]

[illegible] 'summoned as witnesses by the marquis of Nor-[illegible]

[illegible] the city comptroller, Mr Morrice a member of [illegible]

[illegible] of rent, the making a brick drain: which al-[illegible]

[illegible] lease, to build such house; the pipes for their water being secured for seventy years to come [illegible]

[illegible] given and taken as a gratification; Mr. Lane giving it in upon oath, from the marquis of Normanby [illegible] that he [illegible] the lease, as a present to him, from the city, for his kindnesses and services; and that they were suitors to him, not he to them.—Finally, We are the rather convinced of it, because the depositions of Mr. Lane, Mr. Morrice, and Mr. Ballowe, are suitable to the entries in the city books, which most of the evidence summoned by the marquis of Normanby have set [illegible] which may any way tend to the justification of the noble lord concerned, and for the reasons aforesaid; we protest against this vote; not being able to satisfy ourselves, that this high court of honour and judicature had no just grounds to pass some censure on the marquis of Normanby, upon the evidence given to this house, on the matter [illegible] and city lease.

(Signed) Weymouth, [illegible], Essex, Ailesbury, Torrington, Stamford, Monmouth, Cholmondeley.

The ill state of the Coin redressed.] A great [illegible] upon the government, that a stop was almost put to trade and [illegible] for many years began to be clipped and adulterated; and the mischief of late had been so secretly carried on, by a combination of all people concerned in the receipt of money, and so industriously promoted by the enemies of the government, that all pieces were so far diminished and debased, as that five pounds in silver specie was scarce worth 40 shillings, according to the standard: beside an infinite deal of iron, brass, or copper [illegible] delayed, [illegible] and an obstruction to all private commerce. Under this necessity, the house of commons on the 8th January appointed a Committee to receive Proposals, how to prevent clipping of the Coin of this kingdom for the future, and the exportation of silver.

Mr. Scobel's Report concerning the Coinage.] This Committee having sat several times, Mr. S[illegible] the 12th March reported their opinion: viz. "1. That the best way to prevent clipping the silver-coin, was to new coin the same into milled money. 2. That 1,000,000*l.* was a sufficient sum to make good the deficiency of the present clipped coin of this kingdom. 3. That the Money hereafter to be coined should be of the present weight and fineness. 4. That the crown piece should go for 5s. and [illegible] a remedy of six pence in the ounce. 6. [illegible] for weight, and the overplus by a bill or ticket at —— per cent. on a fund to be appropriated for that purpose. 7. That the present [illegible] do the same. 9. That it be penal to all such persons, as give more for any silver-coin, than it ought to go for by law. 10. That it be penal to all such persons on whom clippings are found. 11. That no presses, such [illegible] used for coining, be in any other place than his majesty's mint. 12. That it be penal to all such persons as shall import any clipt or counterfeit money. 13. That it be penal in any person to export English bullion, and the proof to lie upon the exporter. 14. That it be penal to any person to counterfeit any foreign mark upon bullion."

This Report lay some time neglected [illegible] house of commons, till the lords had [illegible] an Act 'To prevent counterfeiting and clipping the current Coin of this kingdom,' [illegible] 10 [illegible] for their concurrence. Then the [illegible] lutions of the Committee were taken into consideration, and out of them several Amendments were inserted in the lords Bill; which Amendments the lords agreed [illegible] made that most expedient Act ready for the royal assent.

The King's Speech at the close of the Session.] May 3. The king came to the house [illegible] gave the royal assent to the act 'For Duties on Glass Wares, Coals and Culm.' An Act 'for a general Pardon.' An Act 'to prevent counterfeiting and clipping the Coin.' An Act 'for imprisoning sir Thomas Cook, sir Basil Firebrace, Charles Bates, esq. and James Craggs, and restraining them from alienating their estates.' But a clause was inserted to enable sir Basil Firebrace, who was then [illegible] a sum not exceeding 20,000l. in portion. After which his majesty closed the Session with the following Speech:

"My lords and gentlemen; I am come to give [illegible] Supplies provided for [illegible] of the war, [illegible] Session, which cannot be continued longer, without manifest prejudice to the ends, for which these Supplies [illegible] the season of the year making it so necessary for me [illegible] that it were to be wished our business at home would have allowed [illegible] sooner.—I will take care to place the administration [illegible] tirely depend: and I doubt not, my lords and [illegible]

what I require of you, and that you be m[illegible]

[illegible]

mand, said, "My lords and gentlemen, It is his majesty's royal will and pleasure, that this [illegible] 18th of June next; and this parliament is pro-[illegible]

[illegible] was prorogued; the king declared in council, [illegible] Canterbury, sir John Somers Lord Keeper of [illegible] State, in the room of sir John Trenchard, lately [illegible] was appointed lord deputy of Ireland: and on [illegible] baron, viscount and earl of this kingdom, by [illegible] of Enfield, and earl of Rochford; and the lord Grey of Werke was also made a viscount and earl of this kingdom by the stile of viscount [illegible]

The Parliament dissolved.] On the 12th of [illegible] elector of Bavaria, arrived in England October [illegible] Parliament, which after a small debate being [illegible] be published for that purpose; and for declar-[illegible]

[illegible] at Westminster. The following is a List of the Members [illegible]

A LIST of the HOUSE OF COMMONS, in the Third Parliament of King WILLIAM, November [illegible]

Those marked with a * at first declined the [illegible]

Agmondesham,
[illegible]

St. Alban's,
George Churchill,
[illegible]

William Johnson.
Aldborough, (Yorkshire)
Christopher Tancred,
[illegible]

Sir William Holster,
[illegible]

Aylesbury,
James Herbert,

Barnstaple,
[illegible]

Bath,
Sir Thomas Estcourt,
[illegible]

Bedfordshire,
Edward Russel,
William Duncomb.
[illegible]

Thomas Hillersden.
[illegible]

Bishop's Castle,
Charles Mason,
[illegible]

---

* "The king had obstinately struggled against [illegible] tive, but from the apprehension of not finding a [illegible] a conclusion before the definitive expiration of [illegible] at a season eminently critical, from those disa-[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] Smith,
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
Sir William Yorke.
[illegible]
[illegible]
Henry Mordaunt.
[illegible]
*William Stringer,
[illegible]
[illegible]
[illegible]
[illegible]
Jeffrey Jeffreys.
[illegible]
William Palmer,
[illegible]
[illegible]
Nicholas Carey,
Sir Stephen Evans.

Sir Thomas Day,
[illegible]
[illegible]
[illegible]
Sir William Whitmore.
[illegible]
[illegible]
[illegible]
[illegible]
Sir Richard Temple,
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
Cambridge Town,
[illegible]
[illegible]
Cambridge University,
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
Sir William Honeywood.
Cardiff,
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] Howard.

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
Sir William Williams.
[illegible]
Sir Robert Owen.
Castle-rising,
[illegible]
[illegible]
[illegible]
[illegible]
John [illegible]waring.
[illegible] Town,
[illegible]
*[illegible]
[illegible]
[illegible]
William Elson.
[illegible]
Walter White,
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

*Richard How,
[illegible]
[illegible]

[illegible]
[illegible]
Clithero,
[illegible]
Ambrose Pupsey.
[illegible]
[illegible]
[illegible]
Colchester,
Sir John Mordon,
[illegible]
Corf-Castle,
William Culliford,
*[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
Cricklade,
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
Sir Richard Middleton.
Denbigh Town,
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
Lord [illegible]
John [illegible]
Devizes,
Sir Edward Ernly,
[illegible]
[illegible]

*Francis Courtney,
[illegible]
[illegible]
Nathaniel Bond,
[illegible]
[illegible]
[illegible] Strangeways,
*[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
Droitwich,
[illegible]
Charles Cox.
Dunwich,
[illegible]
[illegible]
[illegible]
Sir William Bows,
William Lambton.
Durham City,
Charles Montagu,
[illegible]
[illegible]
Henry Trelawny,
[illegible]
[illegible]
[illegible]
Sir Robert Davers.
[illegible]
[illegible]
Sir Charles Barrington.
Evesham,
[illegible]
[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
Sir J. Conway.
Flint Town,
Sir R. Pullestone.
[illegible]
Thomas Vivian,
[illegible]
[illegible]
[illegible]
Sir John Thompson.
[illegible]
*Henry Fleming,
[illegible]
[illegible]
Bussey Mansel.
[illegible]
[illegible]
[illegible]
[illegible]
Robert Payne,
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]
Sir William Ellis.

[illegible]

Sir Edward Askew.
[illegible]
[illegible]
*Sir Thomas Dyke.
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
John Pulteney,
[illegible]
Haverford West,
William Wogan.
[illegible]
[illegible]
[illegible]
Herefordshire,
Sir Herbert Crofts,
Sir Edward Harley.
Hereford City,
[illegible]
[illegible]
Hertfordshire,
[illegible]
[illegible]
[illegible]
Sir William Cowper,
[illegible]
[illegible]
Lord Spencer,
Sir William Trumbal
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
Sir William Drake,
Sir Walter Yonge.
Horsham,
[illegible]
John Mitchel.
[illegible]
[illegible]
[illegible]
Huntingdon Town,
[illegible]
Richard Montagu.
[illegible]
[illegible]
Sir Philip Boteler.
[illegible]
[illegible]
[illegible]
[illegible]
Sir John Barker,
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
*Sir William Coryton.

Philip [illegible]

* Robert Byerly,
William Stockdale.
Lancashire,

Ralph Ashton.

Thomas Preston,
Roger Kirkby.
Launceston,

* Lord Hyde.
Leicestershire,

Arthur Palmes,
Sir Edward Abney.

John Duttoncolt,

William Bridges,
Sir Bouchier Wray.

Samuel Travers,

Thomas Pelham.

* Lord Castleton,

* Sir John Bolles,

Litchfield,

* Robert Burdet.

Ludgershall,

Lyme-Regis,

John Burrard,
Lynn-Regis,

Maidstone,

Malden,
Irby Montagu,

Marlborough,
* William Daniel,
* Thomas Bennet.

* Sir James Etheridge,

Mawes, (St.)
* Seymour Tredenham,
* John Tredenham.

John Knight,
* Thomas Freke.

* Sir Wm. Lukener,
* John Lukener.

Sir John Wolstonholm,

* Sir Thomas Travel,
* Sir Charles Carteret.

* John Stamford,

Hugh Courteney.

Sir Charles Kemeys,

John Arnold.

Sir Henry Bellysis,

Montgomeryshire,

William Carr.

* Lord Cheney.

* Leigh Banks,
* Thomas Brotherton.

* Thomas Done.

Sir Jacob Astley.
Northamptonshire,

* William Forster,
Philip Bickerstaff.

Francis Gardiner,

Richard Slater.

Thomas Felton.
Oxfordshire,
* Montagu lord Norris,
* Sir Robert Jenkinson.
Oxford City,
* Sir Edward Norris,
* Thomas Rowney.
Oxford University,
* Hon. Heneage Finch,
* Sir Will. Trumbula.

Sir Will. Lowther,

Portsmouth,

John Jeffreys.
Radnor Town,

Retford,

Preston,
John Ashby,

Rochester,

Lord Burleigh,

Roger James,
* John Parsons.
Salop County,
Hon. Ri. Lord Newport,
* Edw. Kynaston.
Salop Town,
* John Kynaston,
* Andrew Newport.
Saltash,
Francis Buller,

* Sir John Smith,

Southampton County,

Henry Paget,
* John Gray.

Philip Bertie,

Sir Edw. Hungerford.

Sudbury,

[illegible] diston.

* Sir Henry Gough.

Sir William Portman,
* John Sandford

* Sir John Wodehouse,

* Edw. Seymour,

Tregony,

* William Jennings,

Warwick Town,
* Francis Grevil,
* Lord Digby,

* Edward Berkeley.

John Blackwell.

* Robert Price,

Westbury,

Westlow,
James Kendall,
John Mountstevens.

Maurice Ashley,

Whitchurch.

* James Bertie,

* Henry Pynnil.

* Sir Roger Bradshaw,
* Peter Shackerly.
Worcestershire,

* Samuel Swift.

[illegible] el Fuller.

* Henry Holmes.

[illegible]

"My Lords and Gentlemen; It is with great satisfaction that I meet you here this day; [illegible] tion of the Liberties of Europe.—The last parliament, with great chearfulness, did assist me to carry it on; and I cannot doubt but [illegible] tion of it: and I am glad that the advantages [illegible] in any age: and it will not be denied, that [illegible] of England, it were impossible to put a stop to [illegible] tlemen of the House of Commons; I think it a great misfortune, that, from the beginning of [illegible] that there will be at least as great Supplies requisite for carrying on the War by sea and land [illegible] ing their troops; and the necessity of increas[illegible] is such, that it will not be possible for me to [illegible] therefore, gentlemen, I most earnestly recommend to you, to provide a Supply suitable to [illegible] notice of a great difficulty we lie under at this time, by reason of the ill state of the Coin; the [illegible] charge to the nation: but this is a matter of so [illegible] that I have thought fit to leave it entirely to [illegible] and increase of Seamen: I hope you will [illegible] what in it; and that you will consider of

ment of Trade; and will have a particular re-

be lost to the nation: and, while the war

could wish some way might be thought of to raise the necessary recruits, without giving oc-

people in a new parliament, has made the opening of this session very late; which I hope

you; and will call to mind, that, by the long

very fatal to us: and I am the more concerned to press this, because of the great preparations

field this year.—My Lords; I have had such experience of your good affections; and I have

suffer yourselves to be misled into heats and divisions: which, being the only hope our enemies have now left, I make no doubt but you will entirely disappoint, by your prudence and love to your country."

unanimity, congratulated the glorious success

The King's Answer.] "Gentlemen, I heartily

affection: our interests are inseparable, and there is nothing I wish so much as the happiness

Nov. 26. The Bill 'for Regulating Trials in

which had been several times lost in the

house of commons, and in a short time read

or mitigated: for it was hereby enacted, "That

admitted to make their defence by councils

ment be found within three years after the of-

their trial; and shall have like process to com-

always insisted upon; "That upon the Trial

all the peers who have a right to sit and vote

grievance to the subject; and therefore it was

for the future; and that if any should be granted

served according to law; and that, if any me-

---

* It is remarkable, that, while this Bill

Ashley, afterwards earl of Shaftsbury, and nu-

lows Counsel to a prisoner, had prepared a

shewed it, thought a very proper one on the occasion. But, when he stood up to speak it

giving him a little time to recover his confu-

least of what I proposed to say; what must the

apprehensions of being deprived of it?' This sudden turn of wit, which by some was ima-to extend to any breach of privilege upon the

there was a great arrear of deficiencies; how-

to be very probable, viz.

	£.
For the Navy - - - - - - - -	2,500,000
For two Marine Regiments - - -	10,972
men, horse, foot and dragoons -	2,007,881

French Protestants

First were, 1. A land-tax of 4s. a pound. 2.

50l. a tun, vinegar 15s. a tun, all other French

wines, or spirits of the first extraction. 5. Du-

quer, "That the mischief would be fatal, if a pre-

Dutch, but indeed all Europe sent that commo-

fect the very vitals of the nation; and, if not

to agree to honourable terms of peace, in case

much depended; and that it would justly create a mighty esteem abroad, of the greatness and

affairs."*

base Irish monies, amounted to - - - -	4,682,932	3	2¼
are computed at - - -	1,700,000	0	

In all 15,100,476 13 5¼

and half-pence are wholly sunk. 3. Great

he reckons, there was not left above a third

5,600,000*l.* Of this sum he reckons 4 millions

Mint, ought to be 32lb. 3 oz. 1 pw. and 22gr.

cuously, in the months of May, June, and July,

Troy weight, - - -	18,151	6	16	8
they weighed only - -	9,180	11	05	0
Deficiency	8,970	7	11	8
The weight of a hundred				
ing to the standard - -	32	3	1	22
	16	8	18	00
	15	6	3	22

Hence it appears, that the current silver

it would make but about 2 millions. So there

the Standard, argued, "That the price of an ounce of silver-bullion was advanced to 6*s.* 5*d.*

this kingdom; and that it would encourage

the old standard, urged, "That the worth of

great confusions would attend it; the landlord would be defrauded of a great part of his rents, and the creditor of his debts. That the seaman

standard; and that of this there was an instance

ty of Southampton

[illegible] upon the account of the coin, if one ounce be in money and the other in bullion. That it [illegible] 6s. 3d. for an ounce of bullion; but that they [illegible] by no means the things themselves; that is, they were not the standard shillings of due weight [illegible] 6s. 3d., whether they meant six milled shillings and three-pence, they knew not what to reply; for this alteration of the value of [illegible] money. And, to make it yet more evident, [illegible] buy as much bullion as they pleased; while those, who bought it with clipped pieces, [illegible] money at home, than by out-trading our neighbours; that is, by sending them more com[illegible] we received from them. For if, upon the [illegible] and that therefore, whatever denomination we gave our coin, we must be necessitated to send [illegible] other arguments for raising the standard would sink to the ground, in case these two, on which the rest were built, had no reasonable foundation.

Dec. 10. After debate, the commons resolved to recoin the clipped money, according [illegible] as to weight and fineness; and to make it more easy to the people, they voted a recompense for the deficiency of the clipped money; and [illegible] borne by the public, and a fund of 1,200,000l. settled for that purpose. Accordingly, for raising that sum, a tax for 7 years was laid upon [illegible] house; 4s upon every house having ten win[illegible]

The Parliament was not insensible of the inconveniencies that would attend the calling in [illegible] cipal of which would be a cessation of pay[illegible] merce. It was plain, that England could not subsist, unless some expedient was found out to support its trade, till the New Money returned from the Mint; and, since gold alone was not [illegible] expedient was a very difficult thing. They therefore agreed to call in the money by de[illegible] might circulate from the Mint, as might suffic[illegible] They resolved therefore, 1. That a day be [illegible] Half-Crowns, as also no money clipped with[illegible] only to the collectors of his majesty's reven[illegible] Exchequer. 2. That a day be appointed [illegible] Money; after which no recompence should be made for the same."

[illegible] prepared, to desire his majesty to regulate the [illegible] king, his majesty caused a Proclamation to issued out accordingly. It is to be remarked, [illegible]

The days appointed by the king's Proclamation for putting a stop to the currency of clipped money [illegible] stop was thereby put to trade. This was partly [illegible] present to pass, upon an apprehension, that at last it would be left upon their hands; partly from the slowness of recoining in respect of the people's wants, [illegible] all the expedition imaginable in so great an [illegible] it issued from the Mints and Exchequer, was in a great measure stopped in the hands of the first [illegible] the new silver [illegible] standard, [illegible] so much below it. And those, who had no [illegible] to believe, that, at first, a great quan[illegible] which at this juncture was a very profitable [illegible]

[illegible] days, the commons Resolved, " 1. That the recompence for supplying the deficiency of clip- [illegible] which was silver, though of a coarser alloy than [illegible] such persons, as should bring in either milled or [illegible] kingdom. 4. That a reward also of 3*d.* per [illegible] 5. That, for the sooner bringing in the clipped [illegible] were formed into a Bill, with a clause to pro- [illegible] in England, that had not silver tankards and [illegible] to the house another Bill 'for remedying the 'ill State of the Coin of this Kingdom,' which [illegible]

Upon a petition to the commons by divers [illegible] culties and losses in their trade and payments, [illegible] taken into consideration; the house first ordered a bill to be brought in, for taking off the obliga- [illegible]

[illegible] of lord Halifax.

[illegible] therefore it ought to be considered, how far it [illegible] And that, whatever losses and inconveniences [illegible] and disquiet to the people, they at first reduced them from 30 to 28*s.*; afterwards to 26, till at last a clause was inserted in the bill 'For encouraging the bringing Plate to the Mint,' [illegible] new money into circulation, yet by the artifice and management of some men the people were [illegible] be raised at the next session: upon which many [illegible] little promoted, yet that of guineas, by which [illegible] obstructed; the new silver money too, which [illegible] ed to believe would be advanced in value, when [illegible] for that reason in a great measure hoarded up, [illegible] state. But this was cured by a seasonable and [illegible] Tower, but likewise in those, which the king [illegible]

[illegible] from a great and threatening mischief, without [illegible] pretender from it, and, in less than a year's [illegible] worst money of any nation in Europe, had then [illegible]

[illegible] Company.] Dec. 14. The lords, in a confe[illegible]rence; and a committee was appointed to exa[illegible] that Act? Who were the Subscribers to that [illegible]

"That, having taken into their consideration [illegible] erecting a company trading to Africa and the [illegible] were concerned in the wealth or trade of this nation. That the said act did provide, 'That all ships, merchandize, and other effects whatsoever, belonging to that company, should be free from all manner of restraints or prohibitions, and of all customs, taxes, sesses, sup[illegible] by act of parliament, or otherwise, for the space of 21 years. And farther, that the said company, whose members, officers, servants, or others belonging thereto, should be free, [illegible] ployed in the said stock and trade, from all manner of taxes, sesses, supplies, excises, quartering of soldiers transient or local, or levying of soldiers, or other impositions whatsoever, during the space of 21 years.' That, by rea[illegible] tion would be carried thither; and by this means Scotland might be made a free port for all East India commodities; and consequently [illegible] plied from England, would be furnished from [illegible] the English; and therefore this nation would [illegible]

To this address the King made answer, "That [illegible]

[illegible] marquis of Tweedale; And great changes were [illegible]

[illegible] was resolved, "That the directors of the com[illegible] of parliament, styling themselves a company, were guilty of a high crime and misdemeanor; and that the lord Belhaven, William Paterson, [illegible]

A Council of Trade voted.] The losses of the

complained of the administration: their con-

prosperity; some, with a more spiteful malice, said, it was designed, that we should suffer in

king James had no right or title thereunto; and

king, and which occasioned a warm debate,

of our constitution in a very essential point.

from being a council to look into matters of

on him promoted it. He was afraid of the vio-

that might provoke them. Here was a debate

how far it should turn to a commonwealth;

public liberty; so powerfully does interest biass men of all forms.'*

Sir *William Williams* then alleged, 'That

Sir *Roger Puleston* alledged, 'That the re-

Mr. *Price*, a gentleman of great parts, since

urge, 'That the grant was of a large extent,

it be for his majesty's honour or interest, (when

---

the advantage of the crown, having only a re-

understood, and hope, truly represented; only

and carried to the privy-seal, a month before

privy seal, where, I must confess, our reasons

custody of the seal; and I believe sincerely, has truly represented the whole affair; and

halts, I suppose, till the parliament rises, and then I doubt not but it will find legs and take

that without success, it becomes a Grievance,

powerful favourites, but with little success; for

his servants were, as most courtiers are,

another composition, and gave 10,000*l.* for

too powerful a trust for a subject. If the parts

ties.—I must likewise observe to you, that the

Wales; which is a plain intimation, that the

these lordships, upon the creation of a prince of Wales; they pay the prince 800*l.* for Mises*, which is such a duty, service, or tenure, that it

to this noble lord's grant, will be a great diffi-

quasi a prince of Wales; for this duty was

is to have the whole lordships, it creates a re-

mainder of the honour too, and then I shall fancy we are returning to our original contract; for

tract, which is of so long a standing, I would

the foundation of our present government; I

once the last parliament, and I find it as

Lands? If he can, I would likewise know to

with a remainder in succession, if a tenant for

---

* Mises were certain tollages or tributes, paid at the creation of a prince of Wales.

a certain tribute, paid by the inhabitants of that

[illegible]

which it belongs? Far be it from me to speak [illegible]

his counsellors, which I wish we did: I mean, [illegible]

By the old law, it was part of the Coronation [illegible]

consent of parliament: But as to those oaths of office, most kings have court-casuists about [illegible]

the peculiar care of parliaments, in all ages, to keep an even balance betwixt king and people; [illegible]

of Henry the 5th, there was an Act of Resump- [illegible]

Wales in all that principality; and yet those [illegible]

being considered, that kings have their failings [illegible]

and not to alienate or give away the revenues of [illegible]

advisers, the people of England were [illegible]

king Henry the 2d. William de Ipres, a Netherlander, was brought over, with great numbers [illegible]

him so great a confident that he was in all his [illegible]

at which the people were so enraged, that they importuned king Henry 2nd, when he obtained [illegible]

own nephew, and his sister's son, being a fo- [illegible]

sometimes out; and, in these cases, the kings [illegible]

children.—I must needs confess, that my [illegible]

confederacy in war, and some of those con- [illegible]

We find some or other of them [illegible]

[illegible]

and profit given to foreigners; We see our

[illegible]

neighbours and become a colony to the Dutch.—I shall make no remarks on this great man,

[illegible]

the crown both poor and precarious; and when God shall please to send us a prince of Wales, he may have such a present of a crown made

[illegible]

suffer it to become tributary to strangers: We

[illegible]

e our properties daily;

[illegible]

this mischievous ill, were known.—I desire

[illegible]

Address to the King thereon.] This stout

[illegible]

"May it please your most excellent majesty,

[illegible]

majesty, That whereas there is a Grant passing

[illegible]

Wales, together with several estates of inheri-

[illegible]

subjects in those parts hold their estates by

[illegible]

humbly beseech your majesty to put a stop to the passing this grant to the earl of Portland

[illegible]

is in diminution of the honour and interest of the crown, by placing in a subject such large

[illegible]

tions, which ought only to be in the crown, and

[illegible]

number of your majesty's subjects in those parts

[illegible]

pression in those rights which they have pur-

[illegible]

"Gentlemen, I have a kindness for my lord

[illegible]

and faithful services: but I should not have given him these lands, if I had imagined the

[illegible]

* Which accordingly was done; and the

[illegible]

the county of Lincoln; honour of Penreth in

[illegible]

and Redneth in the county of Chester; manor

[illegible]

[illegible]

signal Providence of God in it; and at the same

so villainous and barbarous a design: and

jesty of our utmost assistance to defend your

both at home and abroad; hereby declaring to

we will revenge the same upon all your enemies, and their adherents: and as an instance of our

possible dispatch to the public business: and we make it our desire to your majesty to

a great stress was laid upon his information.

De la Rue had informed him of a design car-

posed a way, if the king thought fit, how all

a separate bottom, yet they punctually agreed

which rendered their discovery unquestionable:

consequence, if the earl of Portland had not found the happy expedient to prevent it, by

same earl and Brigadier Lewson, his majesty

truth of their discoveries; and in a very oblig-

safety of the kingdom; and at last gave them

that your majesty may think fit to apprehend

"My lords and gentlemen; I thank you heartily for this Address; on my part you may

which I have so many obligations. I will rea-

in a Bill to empower his majesty to secure and detain such persons, as his majesty shall sus-

resolved, That leave be given to bring in a Bill,

the next heir to the crown in succession, ac-

frighted into a discovery, and accused him;

nock's Trial.—The king having now a perfect knowledge of the Conspiracy, caused his Pro-

the Conspirators, viz. the duke of Berwick, sir George Barclay, major Lowick, George

Maxwell, Durance a Fleming, Christ. Knightly,

Rookwood; with a promise of 1,000*l.* reward

were ordered to be in readiness to march; a

attend them; and admiral Russel repaired im-

mand of the fleet, which, by a particular pro-

and twelve Dutch ships from Spithead; inso-

[illegible] ster, and ten miles from the same: and give [illegible]

"Whereas there has been a horrid and de- [illegible]

[illegible] against the late king James and all his adhe- [illegible]

[illegible] violent or untimely death (which God forbid!) [illegible]

[illegible] enemies and their adherents, and in supporting [illegible]

[illegible] reign of king William and queen Mary, intitled, 'An Act declaring the rights and liberties of [illegible]

[illegible] the house; and, because some others had ab- [illegible]

[illegible] the 27th of Feb. "That such Members, who [illegible] declare their refusal, notwithstanding their [illegible]

[illegible] of the house; and, several of them being still [illegible]

[illegible] city; and at the same time the clerk of the [illegible]

[illegible] to their signing the same, or receiving their an- [illegible]

[illegible] mons in a body, with this request, "That he [illegible]

Whereupon the king told them, "That he took this as a most convincing and acceptable [illegible]

[illegible] next day, the commons made a Resolution, "That whoever should by word or writing af- [illegible]

[illegible] 'rightful' and 'lawful' were words, that had [illegible]

[illegible] of an evangelical sound; but that word was so [illegible] venge was to be meant in a legal sense, either [illegible]

[illegible] in that Association, into which the nation en- [illegible] Elizabeth's life was in danger by the practices [illegible]

[illegible] stead of the words 'rightful' and 'lawful' king, these words were inserted, "That king Wil- [illegible]

[illegible] 'lawful.' And, the earl of Rochester offering [illegible]

Ninety-two only of the commons, and fifteen

The bishops also drew up a form for the clergy,

with some small variation; which was so uni-

A Bill for the Security of his Majesty's Person.] April 2. Upon a Report of the Examina-

John Friend, it was resolved, That a Bill be brought in 'for the better Security of his Ma-

the Heads of the Bill should be: 1. That such

late king James, or the pretended prince of

servation of his majesty's person and govern-

A Bill for regulating Elections rejected.] April 10. The Act 'to regulate Elections of

assent to the bill, 'For further regulating Elec-'tions for Members to serve in Parliament,'

'An Act for the better Security of his Ma-'jesty's Person and Government,' and other

"My lords and gentlemen; you have

zeal for my government, and have done so

year, that the late designs of our enemies are,

all the returns which a prince can make to his

will be assisting those whom I shall leave to

* The Bill for establishing a Land-Bank, like-

upon the security of a Land-Company, who

titioned against it, but that did not hinder its

where proper officers attended, to carry on so notable a work; which, like the bubble of the brook, swelled with the wind, and burst again

† "After the conclusion of this session,

[illegible]

The King's Speech on opening the Session [illegible]

"My lords and gentlemen; I have called [illegible] think it a great happiness that this year has [illegible] convincing a proof of the good disposition of [illegible] without hopes that such a conjuncture might [illegible] it is fit for me to acquaint you, that some Over- [illegible] upon a Negotiation for a general Peace: but I [illegible] in our Lands: and that we can have no reason to expect a safe and honourable peace, but by shewing ourselves prepared to make a vigorous and effectual war: In order to which, I do very [illegible] carrying on the war the next year: which I [illegible] session. I must also put you in mind of the [illegible] your help; and the miserable condition of the [illegible]

[illegible] ed. It is somewhat remarkable, that all the persons apprehended upon suspicion, were convicted upon the clearest evidence, and according to [illegible] have recourse to a bill of attainder. The severity of administration was generally condemn- [illegible]

to the Coin, which ought to be remedied: and [illegible] for carrying on of trade. I am of opinion, that [illegible] upon this session; and therefore I cannot but [illegible]

[illegible] gion, for Grievances, for Trade, for Courts of Justice, and for Privileges and Elections, re- [illegible] they would effectually assist him in the prose- [illegible]

"May it please your most excellent majesty; [illegible] just and necessary war, in defence of our reli- [illegible] and glorious a work, have made your subjects cheerfully support the charge. And to shew to [illegible] commons of England will not be amused, or diverted from their firm resolution of obtaining [illegible] abroad: and that they will effectually assist [illegible]

The King's Answer.] His majesty in An- [illegible]

"Gentlemen; The continuance of your [illegible] value m[illegible] ways I can think of: and I will make your [illegible]

Vote on the State of the Coin.] The com- [illegible] them from the Throne; to wit, The farther remedying the ill State of the Coin: the providing a Supply for the next year's service: and [illegible]

[illegible]

take off the obligation of Coining Gold, a Bill was ordered to be brought in 'For the giving [illegible]

[illegible]

plaint having been made of a printed Pamphlet, entitled, 'An Account of the Proceedings in the [illegible]

[illegible]

and liberties of parliament: and ordered the [illegible]

[illegible]

of a printed Paper, entitled, 'A summary Ac- [illegible]

[illegible]

members of their house, and reflecting on them for their proceedings in parliament, was a breach of the privileges of that house, and de- [illegible]

[illegible]

contingencies of the war. Besides which, they [illegible]

afterwards, on Dec. the 23rd, voted a Supply of [illegible]

[illegible]

A Bill of Attainder ordered.] Nov. 6. Ad- [illegible]

[illegible]

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* From the Journals, and a small volume [illegible]

[illegible]

"The great business of this session was a Bill [illegible]

[illegible]

that it deserves to be related in a particular [illegible]

[illegible]

Ward, was seized at New Romney in Kent [illegible]

thence brought up to London, and, on the 11th [illegible]

[illegible]

"'What I feared is at last happened. Had 'I come alone, I had done it; but the other 'was betrayed from London. It is God's will; 'so we must submit. I know nothing can save 'my life, but my lord Carlisle's going over to [illegible]

'family of the Howards, to beg it; and offering, 'that I will live abroad all his time, where I 'cannot hurt him; and that I will never draw [illegible]

'what else to say. All friends must be made; [illegible]

'abp. of Canterbury; my lord Arran might 'engage his brother Selkirk to use his interest 'with Keppel. I believe, if my lord Carlisle 'would go, it were best, before my Trial: or 'else they will cut me short for want of time. [illegible]

'will procure it as well before my trial as 'after; at least, he may prevail for a reprieve 'till some can come over to him. My lord 'also will have an opportunity to engage Bentinck, (the earl of Portland) and get his lord [illegible]

'what else to say, but the great care must be 'the jury. If two or three could be got, that [illegible]

'save me. Money, I know, would do it; but 'alas! that is not to be had, nor shall I get [illegible]

'of being shut up with me: I know it will kill 'you; and besides, I have no such friend as [illegible]

'would be the comfort of my life, the little [illegible]

[illegible]

Accordingly, being brought to the bar of the [illegible] expected a full Discovery of all he knew; [illegible]

[illegible] I 'have this only comfort now left, that my 'death will make you easy. My dearest life, 'grieve not for me, but resign me to God's will. [illegible] 'town, where they put me, and then I would 'have a servant or somebody with me. I am 'interrupted, so I can say no more now. En- [illegible] 'has more interest than any body. Let my [illegible] 'Overkirk for me. Speak to my lord Arlington. If my trial could be put off till the king 'comes back, there would be more opportunity 'to solicit him.'"

"This letter, being delivered to Mr. Webber, [illegible] the lords justices producing his letter, and tell- [illegible] 'he wrote it,' sir John was confounded, and [illegible] a confession of his guilt, attested under his own hand.—Fenwick's design of getting a jury, or [illegible] the Revolution, yet, to gratify his private resentment, advised sir John to set up a counter- [illegible]

[illegible] king's mercy, he sent him a Paper, in which, after a bare account of the consultations [illegible] for him: that the earl of Bath was to betray [illegible] to France a list of the forces in England. This [illegible] to give the king a jealousy of those persons; [illegible] to a trial, unless he made fuller discoveries, [illegible] some more particulars; but he took care to [illegible]

He owned a thread of negotiations, which had [illegible] court of France. He said, that the earl of [illegible] been admitted to a private audience of the [illegible]

[illegible]

"That the reflections contained in the said Pa- [illegible] were false, scandalous, and a contrivance to [illegible]

[illegible] sir John Fenwick of High-Treason; and after [illegible]

Nov. 7. The said Bill was read for the first [illegible] ing; upon which the house divided: Yeas 196, [illegible] second reading: and that sir John should have a copy of the Bill, and of the Order, and be allowed pen, ink, and paper; and that Mr. [illegible]

Mr. Manley, a Member, committed to the Tower.] In the course of this debate, Mr. Manley, a member, having dropt the following [illegible]

"[illegible] people have repented their making their court to the government, at the hazard of the Liber- [illegible]

[illegible] liate and excuse them, a Resolution passed, [illegible] mitted to the Tower; where he was detained [illegible]

Debate concerning the Mace.] Nov. 13. [illegible] order, from Newgate; and there being a very [illegible] and Speaker's chamber; and the house being [illegible] that such a number of people crowding in [illegible]

[illegible] undertaken, that a great body of gentlemen [illegible] which they all insisted, that kings have their [illegible] him for the exercise of it. Dr. Lloyd, the de- [illegible] nent clergyman, who went into this scheme; [illegible] layed the matter till he came to town; and [illegible] with captain Porter, who was offered, that, if [illegible]

[illegible] upon his first landing in France, with an assurance of king James's pardon, and likewise an annuity of 300*l.* a year, of which Fenwick [illegible] was to receive, to a meeting, where he had pro- [illegible] passed, and should, upon a signal, come in, and [illegible] and a prosecution upon it was ordered. The [illegible] cerned in it were censured and punished. So [illegible] Mr. Cardell Goodman, who had been an actor, [illegible] not two witnesses against him; so that by the [illegible] leave to lay before them the several Papers, [illegible] desired, that those papers might be read, that [illegible]

by t Southampton ibrary D a t sat on nt

[illegible]

questions.

[illegible]

must be brought upon the table.

[illegible]

Mr Speaker. Sir John Fenwick, [illegible]

[illegible]

majesty, and for bringing in a French force to [illegible]

and will be now read to you at the bar; and [illegible]

you therein; and having granted you this their [illegible]

good use of it. I am likewise to acquaint those [illegible]

to give any just offence to this house; and that [illegible]

of parliaments to pass Bills of Attainder, when they judge it requisite; of which this house is [illegible]

'Goodman, gent. at the sessions of Oyer and [illegible]

'28th day of May, 1696, indicted of high trea- [illegible]

'to his enemies, by consulting and agreeing with several persons (whereof some have been already attainted, and others not yet brought to their trial for the said treason) at several [illegible]

'tainted and executed for high treason, in conspiring to assassinate his majesty's sacred person, whom God long preserve, to the late king James in France, to invite and encourage the French king to invade this kingdom with an armed force, by promising to join with and assist him with men and arms upon such in- [illegible]

'wick did obtain his majesty's favour to have his trial delayed from time to time, upon his repeated promises of making an ingenuous and full confession of his knowledge of any design or conspiracy against his majesty's per- [illegible]

'his majesty's great clemency and indulgence [illegible]

'scandalous papers as his informations, reflecting on the fidelity of several noble peers, di- [illegible]

'others, only by hearsay; and contriving thereto to undermine the government, and create jealousies between the king and his subjects, and to stifle the real conspiracy. And whereas Cordel Goodman, one of the witnesses against [illegible]

'treason, lately and since the several times appointed for the trial of the said sir John Fenwick, at one of which times the said sir John Fenwick had been accordingly tried, had it not been for the expectation of the said discoveries so often promised, is withdrawn; so [illegible]

'to give evidence upon any trial. Be it enacted by the king's most excellent majesty, by and [illegible]

'ritual and temporal, and commons in this parliament assembled, and by the authority of the same, That the said sir John Fenwick is hereby convicted and attainted of high trea- [illegible]

'incur all forfeitures as a person attainted of high treason.'

[illegible]

what is stood upon by the Counsel for sir John [illegible]

Sir *T. Littleton.* The Counsel could not [illegible]

give reasons against the bill; they do not say [illegible]

ordered the king's counsel to produce the Evidence: How could they understand it, but to [illegible]

have a mind to have another fee: Whether [illegible]

[illegible] order, that [illegible]

[illegible] plainly worded; it is so, if they had timely [illegible]

Lord *Norryes.* This very order, for his majesty's counsel to produce the Evidence, was [illegible]

Mr. Speaker. Then I mistake. But the order that was made upon his Petition, I sent [illegible] I suppose, is that for the bringing him hither.

Mr. Cowper. Say the counsel for sir J. F. We [illegible] thing charged in the preamble of the Bill, but [illegible] make defence to. Now, they conceive the fact of High-Treason is not charged upon him by [illegible] as it is, it is none: for first, it is plain the preamble recites, that he was indicted for high-treason by the grand jury; that is a charge of high-treason within the bill; for it says, he [illegible] the oaths of two witnesses; and there is the very overt-act recited in the preamble of the bill. Now, [illegible] the grand-jury, was no part of his charge? The very nature of the bill speaks; for could any one think, that you would ground a Bill of Attainder upon a suggestion, that he being in[illegible] of the king's evidence, or for giving false information? So that this is trifling with the [illegible]

Sir R. Temple. Can any body say any thing [illegible] into a Bill? Is it not the bill that he is to make [illegible] says that nobody could think otherwise: Why, sir, nobody is to think otherwise than the Bill [illegible] you to pass it? The Case of Mortimer was, [illegible] late the fact. Now you have brought a bill [illegible] Confession; and in conclusion, one of the wit[illegible] his Defence but to what is in the bill; nor can [illegible] in the bill. [illegible]

guilt of sir J. F., he must have a fair trial in [illegible] had a fair trial above.

Mr. Smith. I always thought, when a Bill [illegible] that every man was concerned to hear what [illegible] the person was guilty of the facts that were [illegible] and I take it, the principal thing to be considered is, whether he be guilty of such a crime as deserves such a punishment; so that, I take [illegible] convenient? For I think we should lose time [illegible] ther he is guilty of the fact? Sir, I can never think the counsel could understand your order, when it says, to make his Defence, but it [illegible] guilty: but the Evidence that will weigh with [illegible] far they can answer it.

[illegible] no there be a sufficient guilt laid to this man's charge? For in all courts of judicature this is a certain rule, You must proceed *secundum allegata et probata*; and you shall not go about to prove a thing unless it be alledged. Now the [illegible] son? And if not, you will go about to prove [illegible] alledged that a Bill hath been found; but [illegible] guilty; but I think we must observe that [illegible]

Mr. [illegible] very well in Westminster-Hall; but I suppose he may remember this Bill must have a second reading before you, as a house; and then per[illegible] Whether this [illegible] high-treason, or no? And if they did not prepare to that part, I think they were negligent [illegible] that is most sensibly like to affect him.

[illegible] heads of it: I always understood the preamble [illegible] it: I was mightily surprised to hear the king's counsel attempt to make good——I think they [illegible] signify nothing: or else, if they intended these [illegible] our judgment upon the Bill: whereas the coun-

sty would prove him guilty of high-treason;

alter the Bill; and then that must be proved

Mr. *Shower*. I think a great deal of your

though I will allow, the Bill might have been

a sufficient ground of itself for a final decision

by his means; if the Bill seems imperfect for

ties 'till last night; and in the next place they

ently; and I believe they never will be pre-

Mr. *Attorney General*. I am very unwilling

s in

the king: but I am very sensible while I am in this house, I am in another capacity; I am to vote here as a judge, and not as a party. That

had

that we k

altered afterwards. But a bill in parliament hath many steps; you read it several times, and commit it; so that you alter the sugges-

cause he is indicted: however, that is not un-

of your proceedings, that there was a proba-

Therefore, sir, I confess I can't think that those gentlemen that are counsel for sir J. F.

dence shall be given upon the Bill? or whe-

ter than is suggested in the Bill? I must confess, making a false step at first setting out, hath put us out of the way hitherto; for in the

fore any order for a Bill of Attainder. But

and the counsel for sir J. F. do not oppose that: but the counsel for the Bill open more

same, yet they must be the same in this, to put

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sir John Fenwick to attend, and let them do all together.

Sir *Christ. Musgrave.* I think, as to that [illegible] charge, for I think they have drawn the Bill pursuant to the directions; and I am sure if [illegible] been guilty of a crime. That which seems to [illegible] your bill. For let us have a little regard to the proceeding in Westminster-hall: Can any [illegible] pressed in the Indictment? And I think this is [illegible] attainder against sir J. F. and in justice you send him a copy of it, and, with great favour too, you allow him counsel to defend himself to that, as to the suggestions that are in the Bill; [illegible] any thing to be proved but what is in your Bill, I know not of what dangerous consequence it [illegible]

Mr. *Solicitor General.* If the counsel against the Bill could be any way mistaken, or think the bill defective, I am for giving them [illegible] think neither one nor the other of them true; but your order was to draw a Bill for attainting sir J. F. of high-treason; and I think if the [illegible] strictly pursued your order; for the preamble is no necessary part of the Bill. A Bill and an Indictment [illegible] there is a form for an Indictment, but no pre- [illegible] to his trial: and to delay it, he pretended to make an ingenuous Confession; and instead of that, there was produced a Paper which you have censured, as you thought fit, and upon that you voted a Bill to be brought in to attaint him of high-treason: what then could be [illegible] bate upon which it was ordered?—If this house had thought fit to examine witnesses before [illegible] treason; but it is time enough for you to sug- [illegible] there are. If the counsel did not know this, notwithstanding all that I have said, I am for giving them time; but, with submission, it was impossible for them to mistake it: If the Bill had went no farther than, 'Be it enacted, that 'he should be attainted of High-Treason,' then [illegible]

[illegible] say they are not ready, truly there may be some reason for it; for I believe they never will be ready: Sometimes men will be wilfully [illegible] to be so. They say they are mistaken; which of these are true, I know not, but we have seen [illegible] courts of justice; he hath delayed his trial till one witness is withdrawn; if you give him [illegible] have the other gone too. I see no reason for [illegible]

Mr. *John Montague.* I am not surprized to hear sir J. F. desire time; for giving him time [illegible] you his Witnesses are not ready; it is a common excuse; I hardly ever knew a person brought upon his trial, but that was his excuse; and yet I have seldom known it allowed as a good excuse. But it is objected, you must go *secundum allegat' et probat'*; and nothing being in this bill like what the counsel for the bill did open, it is not fit to hear them call wit- [illegible] allowed to call witnesses to prove every thing [illegible] not to have brought in a Bill, to say in point blank terms, he is guilty of high-treason; but [illegible] have been admitted to prove it. With submission, the Bill does that thing; for the bill does recite, that he is indicted of high-treason, [illegible] charged upon him by this very bill: now sure [illegible] in the bill. What did the counsel for the bill [illegible]

Sir *Fr. Winnington.* I humbly conceive the question is not now, Whether sir J. F. is [illegible] what is suggested in the bill, according to your [illegible] king's counsel, We will prove him guilty: Says

you have no such thing in the bill; the sending

'it enacted, that such a man be attainted,' without giving any reason. I cannot deny but it might be so without any reason, but I don't

person was for mending of the bill. Says he,

Whether he be guilty or no? But, Whether

al; the first is, Whether the king's counsel

fence?—The first is a matter of very great moment: You are proceeding upon a bill where

cerned: When a precedent is made in this

hurt by it; and therefore I desire you will

to prove any thing that is not suggested in the

is laid in the bill, and produce you evidence to a new crime; and he stares and looks round

not alledged against him in the Indictment.—

bill; and if the parliament should proceed in

in a bill upon which sir J. F. is to be proved

it? I take it, as this bill is drawn, sir J. F.'s guilt is no way concerned in it: For whereas

wise than he is indicted for it.

Mr. *George Rodney Bridges.* Sir, I think

that are of sir J. F.'s counsel should insist upon

make it good are likewise mentioned; one of

place, that I am told of: I do not think you

to make their observations upon the charge; so

in the preamble of the bill? And I add this fur-

come a charge that he is to answer for, and not

now to come in proof here: For if it proves to be well charged in the preamble, it is a parti-

expressing yourselves. I believe every gentle-

selves, that I submit to you: But it is clear to me, that this was a very good and proper way

to them, without taking a reasonable exception [illegible] pression, and to their sense.

Mr Brotherton. I take the question to be [illegible] ledged in the bill? As to that, I must observe [illegible] ticular charge against him; it does not say, that he such a day did such a fact, whereby he can make his defence; it is only the recital of [illegible] attainting one for putting poison into a pot, &c. there is the day and year when the fact was [illegible] only says, that he is withdrawn; and I am of [illegible] but what is in the bill.

[illegible] by which they pretend sir J. F. was led into an [illegible] they would be in the right: but this house is not bound to those forms: for I believe the [illegible] J. F. well enough, if all the rest were laid aside; and I will consider it with as much tenderness [illegible] Hall. I would consider, whether such a de- [illegible] to what is laid in it) he had not notice enough [illegible] is an affirmation; for to say, 'Whereas such a 'one is bound,' is good in a declaration upon a bond. Now I would know, whether this be not enough, to say, That he is indicted, without any allegation that he is guilty? Had the bill no recital at all, it had been an objection; [illegible] house to what they should have answered: for [illegible] stances at common law: A man is indicted for being a common barrater, and there are no instances given in the indictment; why then he comes and prays the court, that they may de- [illegible] as to the enacting part of the bill; and under favour, [illegible] sel make an objection to it, I shall agree with [illegible]

Sir *Ed. Seymour.* My lords,* and you Mr [illegible] ing clause, it would have done sir J. F.'s business with a witness, or rather without a witness. But that is not the question we are disputing [illegible] give sir J. F. longer time to make his Defence [illegible] not go through with the suggestions to-night, [illegible] relates to it; and I find no person against [illegible] notice of the matters suggested in the indictment: I cannot think that is reasonably argued, [illegible] is such, that they can take notice of nothing [illegible] upon sir J. F. in the bill, is it reasonable they [illegible] but, say they, it is implied. This is an untrod- [illegible] it as you can. It is extraordinary that you bring sir J. F. here to answer for treason, [illegible] you have but one witness to that treason; and [illegible] less it be proved by two witnesses, and you will give him liberty to make his defence, I think it no loss of time; for you cannot go through the bill to-night, to see whether sir J. F. be guilty [illegible] prepared to make his defence in so short a time; [illegible] any; and if you give him longer time, I suppose you will think fit that sir J. F. should give [illegible] of for his defence; and you will give an order for those witnesses.†

Mr. *Harcourt.* If sir J. F's. business must speaking my mind. I must confess, I see no reason for enlarging the time; and I shall hum-

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* Because many lords were in the gallery.

† According to some accounts, sir Edward closed his speech thus: "I am of the same opi- [illegible] pected of being a Conspirator himself."

whether he should have further time to prepare his witnesses? And for that, pray consider the

that which is not alledged, I cannot imagine

deed, he stands indicted; but it is no where

This general charge seems a great hardship There is no one thing that so many have been

in such trials for a greater grievance. What

trials in cases of high-treason? In that bill you

that whatever treason a man might be guilty

that; but I cannot imagine to what purpose

answer nothing; for that which is not charged

Mr. *Finch.* Sir, this is a question, in my opinion, of very great consequence: You are

trodden path; and I am the more confirmed

said it at all in this bill; we have said, sir J. F

ing in Westminster-hall; and this is sufficient in a bill, though in an Indictment it would not, without alledging that sir J. F. is guilty. But one would think, that if sir J. F. is guilty, every allegation in the bill, that is, the induce-

had a copy of the bill to prepare for his defence,

require: but I think this is hardly to be expected; one might have thought, and reason-

it: For I can never think it a good reason to

time; and if there be extraordinary ground

have erred; and then I should have imagined,

and one of them was withdrawn; that you had

some contrivance to elude justice, whereby

one: yet I cannot but observe the consequence

ages, or not, we are making a precedent for

ness of your debates; but I cannot but ob-

was a wrong step at first; I was not here the first day: but I recollect some things from the

bring in this bill of attainder; when this bill is

ing part considered in the house; and the

the reading of it a second time; I remember we were told, Won't you read it a second time,

For consider, otherwise a gentleman may, in

bring in a bill for attainting such a one; and tell you, you shall have a good reason given to

What a precedent will this be! Why, sir, length of time gives a sanction to those prece-rity, that were even very heinous precedents to the prosecution[illegible] now in the bill, I would ask, What man in England is secure, when a parliament shall arise that hath a mind to attaint him? Why [illegible] in effect, declare, that for bringing in of the bill, for twice reading of the bill, you had no ground at all; for otherwise you had good grounds recited in the bill, and that must be a sufficient ground to attaint him; and if you de- [illegible] declare you have brought in a bill, and read it twice, [illegible] ground. [illegible] will allow liberty to offer at your bar any suggestions otherwise than in the bill, that I must submit to you; and for giving time, since that is a question of a very extraordinary nature; but have humbly offered my thoughts, whether any [illegible] suggested in the preamble of the bill? I hope you will not, for the precedent sake you are now making; which if you do, I am afraid bills [illegible] Bills of Attainder were in Rd. 2's time; which I hope never shall be.

Lord *Norreys.* Mr. Speaker, I will not pretend to [illegible] you, that you are bound by other rules than rules of justice; but what is justice in Westminster-Hall is so here, and every where. And last year you thought it [illegible] should be brought to a [illegible] should know what were the particular facts that were alledged against him.

Lord *Cutts.* I think it, in some measure, a misfortune, that a matter of this nature, as is your present debate, hath held you so long; and conceive it a thing to be wished, that every gentleman that speaks upon this occasion, would apply themselves more closely to realities, and less to forms; I mean, to forms, considered merely as forms; for it ought to be true reason that is convincing to you: and you [illegible] reason; and really I have not heard any thing [illegible] from any gentleman, [illegible] doubt of the nature and aggravating circumstances of the crime of the prisoner; but it [illegible] tice of this house, to shew this favour to the prisoner before you. The [illegible] they [illegible] prepare themselves for more grounds of difference and chicanery, I would not give them further time; I cannot perceive there is any reality of argument in it; and there is in reasoning, as in religion, sometimes a form without a power.

Sir *Tho. Dyke.* Sir, you have now two or three questions before you; I desire you will confine our debates to one point: I think, [illegible] concerning the proof, I think the point under your consideration, if you will make a right judgment, is the preamble of your bill, which I take [illegible] for which you attaint this gentleman: now the [illegible] but only indicted; nor set forth any time [illegible] son; and if you put it upon this point, that [illegible] and therefore I hope you will confine the [illegible] the bill.

Mr. *J. Howe.* Sir, I think, if you please to go on upon the matter suggested in the bill. [illegible] before the bill is committed; and that will not hinder sir J. F. from being examined to the [illegible] in this bill, I suppose, being thought necessary to be proved, I desire he may be called in, [illegible] alledged in the bill, and afterwards sir J. F. [illegible]

Lord [illegible]. If the question was [illegible] no to make his Defence, I should not have [illegible] be, Whether the Bill does depend upon the [illegible] of sir J. F.? And therefore if gentlemen do insist upon it, that he should have longer time [illegible] guilty, I shall not oppose it; but if you think [illegible] depend upon the suggestions of it, I cannot agree to that matter; therefore I desire a short [illegible] of his guilt.

Mr. *Harley.* I find all gentlemen that [illegible] the house has thought fit to take quite different [illegible] time to be given to sir J. F. to be prepared; [illegible] ther the counsel should be heard to any thing but what is suggested in the bill. And I think you must give a determination to the last question, [illegible] him longer time: for if you give him longer time, it will after come to the same debate, whether they shall be heard to any thing but what is suggested in the bill? If you [illegible] for in the case of the death of a man, let him [illegible] very plain proposition, that when a man is [illegible] not charged with; and to charge it with In[illegible] that as I always have seen it denied in this house, so I hope I shall not see so great an as[illegible] reasonableness of the bill; but this matter not being suggested in the bill, they are not [illegible]

Sir *Tho. Littleton.* I see now where your debates have led you: I thought the regular [illegible] time. For what? Why, to prepare themselves [illegible] against them; because they perceived you did [illegible] but only prepared to speak to the reasonable[illegible] six hours debates, have been willing to accom[illegible] that any one pressed a matter unreasonable), that they might have time: but some gentle[illegible] what is that? Why, that is, to know the opi[illegible] pressed. For what does the bill say? The bill [illegible] that one of the witnesses is gone: and gentle[illegible] immediate part of the bill; for the bill does [illegible] the evidence; but they said, they were not [illegible] they leave it; and thereupon the house go on [illegible] shall gain our point, and the house will give [illegible] not carry so much weight with it, though we have nothing to say to it; or they might think [illegible] go on, and hear any evidence at all: in either [illegible] desired was, that they might have time; and I hope that which satisfied them that are [illegible] grant? I was in the beginning against any delay, and I think there is no occasion of delay: all I desire is, sir, that the king's counsel [illegible] bill *ex toto.*

[illegible] is very generally laid in this bill, and the coun[illegible] themselves: that it speaks of high-treason in [illegible] is very general: it recites that indeed; but the [illegible] be more particularly charged? And the indictment is so charged in your bill. I think [illegible] what they ought to apply themselves: but by what I perceive, gentlemen are very well contented to give him further time. I remember, when the bill was first brought in, there was a long debate for a second reading; and some [illegible] be tried by a fewer number: but I shall ob[illegible] to sir J. F. beforehand, and you sent him notice that he should provide himself. But I remember a much better man than sir J. F. who had [illegible] high-treason, had his indictment one hour, and was tried the next; and though he pleaded to have his trial put off till the afternoon, he [illegible] it: sir John Fenwick hath had a copy of his [illegible]

Mr. *Waller.* I stand up only for my information; that which I would know is, whether [illegible] that is not in the bill? If they asked that, then [illegible] sist upon what sir J. F.'s counsel did not insist [illegible] to make it a charge, as if sir J. F. had been [illegible] Bill: every body knows, they objected to the [illegible] was in the bill; and they would have gone on [illegible] ther thing: it is told you, as if the preamble [illegible] last but one, has cleared it, that it only recites, he was indicted for these things; and thus [illegible] no. Now I think the present question, and [illegible] tions of the bill; for you can bring nothing in issue here, but what is in the bill; and nobody can insist, by the rules of reason or justice, [illegible]

Mr. *Methwen.* Sir, I speak to the method [illegible] their evidence to prove sir J. F. guilty of high-[illegible] men that spake last; the force of their objec[illegible] they were not prepared to answer them; and [illegible] formal notice; and the other afterwards spake to the shortness of the time: your debates for a long time went pursuant to this, whether you should allow them further time or not? But the length of your debates hath raised a new matter: though I think that doubt, though it [illegible] with it? And I must always agree, that doubt [illegible] him or not; and therefore I propose it, that [illegible] tions upon your paper; and now, after so long a debate as we have had, I hope gentlemen will not think fit to start new ones; and I [illegible] that when a question is moved, and seconded, [illegible] put; and I hope you will keep us to these rules.—I wonder at some objections: it is told you, that this is such a proceeding that never [illegible] should have informed themselves; for it is [illegible] vote this bill to be brought in: I see the gentleman that brought in his own accusation; [illegible] there was a treaty for his pardon; this [illegible] your liberty! Under favour, this is the ground [illegible] they desired further time: I confess, when you allowed counsel, I was of opinion it was a favour; and now since they have made this [illegible] obliged to allow them further time, yet I had rather err on that than the other side; and therefore I think the fairest thing is to allow [illegible]

Mr. Secretary *Trumbal.* Mr. Speaker, I [illegible] which are now in my opinion of a very extra[illegible] allow them further time or no: and now, by [illegible] further time; even that is opposed at this time of day.—Sir, the king's counsel have opened the matter of fact, upon which they did intend [illegible] fore prayed for further time: truly, whether [illegible] to a question; since the life of a man is concerned, we ought to be tender of it, and I shall [illegible] opinion, that a reasonable time should be [illegible] will be in judgment of the house; but it was [illegible] that a short time may be allowed them to [illegible] long debate: I do not remember any formal [illegible] question upon the debate; when I read you the [illegible] said, that [illegible] question; and took exceptions to it, and pro- [illegible]

[illegible] upon my paper, which I will read to you, and put which you will. One question is, "That [illegible]

[illegible] is, "That sir J. F. be allowed further time," &c.

Sir *C. Musgrave.* A gentleman said, the [illegible] started; but I remember, a little after the [illegible] you would give them further time? And I pre- [illegible] tained in the Bill? And, I remember, there was a gentleman of the long robe said, That [illegible] to answer. But I cannot but observe, that [illegible] to produce the evidence; and so you have concluded yourselves? But for myself, I must confess, I did never think the evidence was to [illegible] it not to satisfy ourselves, whether sir J. F. was guilty of high-treason? Now that is supposed, by some gentlemen, not to be within the bill: if it be not within the bill, I desire you would [illegible] sir J. F. guilty. Sir, this is a very nice thing, [illegible] the blood of a man: does any one say he is innocent? No: but we must have some way or [illegible] trial. I desire, as English men, you will not [illegible] they say without doors? You are afraid to meddle with sir J. F.; and therefore you will [illegible] time; I desire, as it was moved before, that [illegible]

Then the Order was made for Candles to be brought in.

[illegible] brought in, it will be fit for you to return to the question: for my part, I am willing to put both: [illegible]

Mr. *J. Howe.* I think the question ought to [illegible]

Sir *T. Littleton.* I propose it to you thus; [illegible]

Mr. *J. Howe.* I think that gentleman might [illegible] hath been indicted; and that is a limitation, I [illegible] bill generally: There are several other allega- [illegible] to; as the alienating the affections of the king's subjects from him, which I take to be high trea- [illegible]

Mr. *J. Howe.* Why? If it be not high treason, it hath nothing to do in that place. I believe it is a very high crime, and would induce me very much for the punishing of sir John F.

Mr. *Norris.* Sir, I do not know how the [illegible] in; but I think it is for the better. I think there are two things have been spoken to; one is this bill: I find those gentlemen that were [illegible] a second reading of it: I think the bill is very [illegible] they drank there. I think there is all the rea- [illegible] time, I should be very willing to allow it them, if that question was put; and, I think, you have been very favourable to him already, in allow- [illegible]

Mr. *Smith.* I would only observe, when the [illegible] facts not particularly assigned in the bill? I be- [illegible] examined: I do own, for my part, if sir John Fenwick was a greater man than he is, it were [illegible] bringing in such a bill against sir John Fenwick.

Resolved to give sir John further time: but [illegible] *the Indictment.*] Mr. *Speaker*. Shall I read you the question? "That sir John Fenwick be [illegible] nature?"

Mr. *Speaker*. The other question is, "That [illegible]."

Sir T. *Littleton*. I do think one of the reasons [illegible] he could not, strictly speaking, be proved guilty; [illegible] And therefore I question whether it will amount to a legal proof: and if you had such a proof as [illegible] of law, I should not have been for a bill of this nature; for it is against the honour and dignity [illegible] this witness, sir J. F. at a trial in the Old Bailey, might escape; though at the same time it is highly probable, the witness that is wanting [illegible] question; you say, 'Shall be allowed to prove.' I would willingly prevent what may be objected when we come upon this debate: If you do use the word 'prove,' they may say, this is not [illegible] it appears to us, whether he be guilty, or not guilty.

Mr. *Speaker*. Will you let me propose it to you thus then? "That the Counsel, in producing their Evidence against sir John Fenwick, be [illegible] Treasons mentioned in the Bill, for which sir John Fenwick is indicted."

Mr *Montagu*. I do not observe, that in [illegible] allegations of the bill: I think you should word [illegible]

Mr. *Speaker*. Well then, the question is this, "That the Counsel that manage the Evidence [illegible] Bill, and the Treasons whereof he stands indicted."

Which question being put, it passed in the affirmative.

Mr. *Speaker*. Will you please to appoint a [illegible]?

Mr. *J. Howe*. That I would move you is thus: You were so extremely late before you [illegible] time to go through any part of it; therefore I would move you, that you would appoint early in the morning for sir John Fenwick to be here.

And thereupon it was ordered, "That sir [illegible]"

[illegible]

And accordingly sir John Fenwick was brought to the Bar.

[illegible] indicted; but in favour to you, because you [illegible] is willing to give you time till Monday next [illegible] to give in a list of your witnesses; and if you [illegible] their appearing at that time; and they require [illegible]

And [illegible] house resolved, "That the Bill for Attainting sir John Fenwick of High-treason, be read a second time on Monday."

Nov. 16. Mr. *Speaker*. Gentlemen, I would receive your directions in one thing. you have ordered a member to produce a Letter, [illegible] the proper time for him to do it; whether, while the counsel are managing the Evidence at the bar, or whether he must stay till they are withdrawn?

Mr. *Sloane*. As to this matter, I do not [illegible] he may explain it, or deny it: and give me leave to tell my thoughts of another matter. If [illegible] what he took from sir J. F.'s mouth, (though a [illegible] place, after the counsel is withdrawn) I think it is not only fit to produce the Letter in his presence, but that sir J. F. should hear what he says, and deny it if he can.

Mr. *Speaker*. Is that your pleasure, that the Letter be produced before sir J. F., and that the evidence to be given by Mr. Vernon shall be in the presence of sir J. Fenwick?

The question being accordingly put, it passed in the affirmative. Then the Serjeant was ordered to take his mace, and go into Westminster hall, [illegible] being returned, the Order of the Day for proceeding on the business of sir John Fenwick was read. [It being a quarter before eleven clock.] Then sir John Fenwick, and the Counsel and Solicitors [illegible] brought in.

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[illegible] party was dead; or if he was withdrawn without [illegible]

Sir R[illegible] [illegible] Treason in the worst of times? In the trial of [illegible] by the rules of law, [illegible]

Sir *Tho. Littleton.* The worthy member [illegible] by the rules of law, or we are tied by nothing. I hope he does [illegible] a noble lord, 'You are tied by rules or no rules; if you are tied by no rules, what rules [illegible] and yet admit of this evidence.' I told you before, I should not reckon myself so tied by the rules of law, but that I would hear all evidence that should be offered: and I do not [illegible] any thing that may bring out the truth. A worthy lawyer [illegible] evidence that is of the recorder's opinion; and a member hath produced the opinion of my L. C. Justice Hales: and I hope we shall not be de[illegible] what they might hear in the courts below. Here are two witnesses [illegible] against him, which the jury did believe that [illegible] We have heard what one said; we have an opportunity of hearing what the other said. No, [illegible] be informed; but I believe it must come to that at last.

Sir *Rd. Temple.* The gentleman that spake last, insinuated, as if I had dropped some[illegible] leave to tell you, there was the courts of the [illegible] law, then they were a court of equity; and [illegible] then they were tied up by the rules of law, and so gave judgment neither according to the one [illegible] it was taken away [illegible]

Mr. *Boscawen.* I have seen it myself, that a justice of peace has been examined himself as to depositions he hath taken; and I take it to be [illegible] Examination.

Mr. *Harcourt.* Sir, I must say, if you were [illegible] sel to be imposed upon you this day: this [illegible] was a quotation of a learned author; and the [illegible] these Depositions, if the party was dead or ab[illegible] point (I am neither afraid, nor unwilling to be [illegible] tell you my opinion of it.

Sir *Edw. Seymour.* It [illegible] rules of law? I suppose it is no new thing I am going to say; That bills of attainder, and judgments of attainder, have been reversed for no other reason, but because the parliament have [illegible] I will not say, you are bound by the rules of inferior courts, but you must be bound by the [illegible] parliament. And then I would know, whether [illegible] and the reason [illegible] because by that you make this, which is the superior court, lame, [illegible] of an inferior court.

Mr. *G. R. Bridges.* The matter before you is, whether sir J. Fenwick be guilty, in your judgments, of this Conspiracy? and if so, I cannot imagine why you should not take all the information that is offered to you; and why not hear all the circumstances of it? If you do not read this affidavit, I do not say but it is a kindness to sir J. F. but what kindness will it be to the country and government?

Mr. *James Montague.* I hope you will not [illegible] courts below may proceed upon it: but that I [illegible] be evidence, there are not two witnesses; and [illegible] witnesses it would be admitted in the case of [illegible] place.

[illegible] of parliament; and then tells you, that his in- [illegible]

[illegible] Now I aim not at sir J. Fenwick's blood, but [illegible] received.

[illegible]

paper read? and it may be a disadvantage to you not to hear it.

Mr. *How.* Here have been many arguments given for and against the reading of this Paper; and if I did not take it that the reading of this paper would be of no use to the judgment we are about to make, I should be for the reading of it: Either it amounts to a proof of high-treason against sir J. F. or it signifies nothing to you. If you suppose it to weigh any thing, I can never agree to the reading of it; for it is only an hearsay brought to convict a man that is tried for his life. But there is a greater argument which weighs more than the reason hath been urged; and that is, your enemies will have an advantage, and your government is at stake. But I cannot take that to be so much an argument of their strength, as of their weakness and neglect; however, when they prove that, I will see how far I can go. It is said, that in the worst of times, they would not convict a man upon one evidence. As to sir J. F. though he should not be a good Englishman, yet his cause may be a good Englishman's. The question is, Whether there be more danger by the withdrawing of a witness, and the escaping of sir J. F. or the withdrawing of the witness, and the convicting of sir J. F.? Here they let Goodman (such a rake) go about and he is gone; and now the fate of the government seems to depend upon it. The precedent on the other side is [illegible] to be feared; for I suppose future governments will take care not to let a witness go [illegible] the streets again: But it may happen that certain men, for asserting the liberties of their country, may be run upon by ill governments, and attempts made upon their lives by false witnesses. But the Bill of Treason provides, that no person should be prosecuted without two witnesses. Now it may happen, that they should have no such witnesses as can convince a jury (I believe this man to be as much guilty, in my own thoughts, as I believe any thing in the world, and yet I will condemn no man upon any primate fancies); for here are two witnesses to go before the grand jury, and nothing is so easy as to get a bill found by them (and that is all that is done by Goodman). Now say they, if this should come before a petit jury, one of these witnesses may not be credited, so they will carry him away, and urge this for a precedent, and so this man [illegible] convicted.

Mr *Smith.* I think we are come to the debate of the bill, instead of reading the Paper. Was the question, Whether this paper should be allowed as a second witness? Then it would be a great question with me, whether it should be read; but the question, as to Col. Sidney, was not whether the paper should be read, but whether it should supply the place of a second witness? But your debate is extraordinary; your bill takes notice of Goodman being gone away, and now you won't take notice of what he hath left behind him; which I should the rather be satisfied in, because I saw a gentleman soliciting at the bar, that did endeavour to get him away. If Goodman had been brought a prisoner to the bar, I do not know, whether it might not have been reckoned as great a fault, as now his having too much liberty. It hath been cited as a great lawyer's opinion, that it might be given in evidence; but he does not say what weight shall [illegible].

Mr. *Pelham.* I am sorry that honourable gent. mistook me so much; I thought I had spoke very plain; I told you, I was not against reading of the paper, till the learned [illegible] shewed you you were not tied up as to the case of Westminster Hall to two witnesses. As to what I said of Mr. Sidney's Case, it was not against the reading that paper; but I said he [illegible] to be attainted upon one witness. And that attainder you have thought fit to reverse; and the reason [illegible] impossible for a man to make any defence against one single witness.

Mr. *Att. General.* The matter you are now debating upon is, Whether these Papers should be now read? And gentlemen have [illegible] selves into a debate foreign to the question. A great many are against it upon this argument, that they would not be of opinion to [illegible] unless there were two [illegible]. That is not the question, for I think no man is ready to give his opinion to condemn [illegible] unless there were two witnesses. The gentleman is against the reading of it, and yet believes sir J. F. guilty. I must respite my judgment till I have heard his Defence: I think that the counsel for sir J. F. at the bar, are very much mistaken, when they say, that such a thing as an examination in writing was never read in any court of justice. I think that is a great mistake, and a good authority hath been cited for it; and every one knows the practice is otherwise; it is often allowed, that the examinations before a justice of peace are read. The question is now, Whether this examination shall be read? If there do not appear another witness to prove [illegible] [illegible] without two witnesses [illegible] [illegible] Porter should [illegible] be one [illegible] without two [illegible] therefore [illegible] examination [illegible] But what little credit a witness's testimony has [illegible] if sir J. F. was upon his trial; I think this information might have been admitted if proof of Goodman's being out of the way, but it [illegible] admitted, unless there were another witness produced, I believe the court will tell the jury, there are not two witnesses, and [illegible].

Sir *Wm. Corytom.* I must crave leave to differ from that worthy gentleman: I think this is [illegible] to determine, whether sir J. F. [illegible] witnesses [illegible] you may determine how far it is available. [illegible] in the house, that this ought not to [illegible] ted for evidence. A gentleman grounded his argument, upon what? My L. C. J. Hales's opinion: but the fate is, that my L. C. J. [illegible] prisoner than his disadvantage; for if the [illegible] seems not to be reasonable, for it is easy to [illegible] the place of sir J. F., and sir J. F. in the place of Goodman; it would be hard, take the informations to be as they are, to admit them for evidence; which, in my opinion, are great [illegible] worth.

Sir *Ch. Musgrave.* That which I perceive to be your debate, is that upon which the counsel withdrew; you hear it asserted, that [illegible] an affidavit was allowed for evidence; And I think the learned counsel at the bar did not much insist upon it; and yet I don't think they [illegible] C. J. Hales, but they thought it was not applicable to this business before the house; but only related to felonies, and when depositions [illegible] is said, we are not tied up to the rules of Westminster-hall; and that parliaments may denominate crimes after they are committed; but I never did hear, that the parliament did take [illegible] common causes; but if my memory serves me right, you have always had it opposed in this house; therefore I think, according to the [illegible] davits. Will you make a new rule in this case? Pray consider the consequence of it hereafter. [illegible] ther person, against a great man for High-Trea[illegible] for to govern your judgments? I hope those [illegible] power? I would be glad to know, Whether in [illegible] that nature; and therefore, why should you [illegible]

Sir *Joseph Williamson.* I am sorry this point [illegible] to be read? I am of opinion, notwithstanding [illegible] comes up to the case in question; all the [illegible] deed of a different nature.—This Bill of Attainder is indeed a thing so extraordinary, as [illegible] that principle, all that is feared is, all an[illegible] to come but upon the like occasion; and then [illegible] evidence, and how far it is so, is not now [illegible] ledged, depend only upon this, that it should [illegible] the courts of justice. Now I say, there was a [illegible] make a man guilty of Treason, that was not so before; and that even in a reign when they [illegible] of mankind, but that there should be a power [illegible] mitted, giving them more than is asked here: [illegible] upon his crime, that is no question; and I take it, that if upon any occasion, it is to be justified in this, and the law hath trusted the parliament with a greater power than now they are about [illegible] raised from another place, which I think can never conclude in this.

Mr. *Chanc. of the Exchequer.* I am for [illegible] below; but I think, in your proceedings in [illegible] an affidavit or not; and I am more of that opi[illegible] examined, because the testimony of a man's [illegible] of a man's wife, but his own letter appeared in evidence; and Clancy told Porter he came [illegible] of a witness; no, but because you see he hath been indicted by the evidence of Goodman and Porter, and the first is withdrawn; and by whose means you have heard: and I would know whether Goodman's evidence alone ought to accuse him of the same? I do say, in your power of judging, you are not constrained to the rules of Westminster-Hall: and I would say, that for your constitution, the courts of Westminster-Hall are to be governed by the letter of the law; but there is lodged in the legislative a power to judge those crimes that are sheltered behind the law; and I believe, if the several attainders were examined, there was never any attainder that went upon a more just proceeding than this. I take the crime to be a plot with your enemies to bring in a foreign power; and as if that was not sufficient, he hath made a false and scandalous confession, to bring a distrust and jealousy among the king and his people; and he hath dallied and gained so much time, as he hath had opportunity to corrupt one of the witnesses; and therefore it would be hard, if no law should reach him. It is said, Why do not you keep the witness? It would be hard, after a person hath made a confession for the good of the kingdom, that he should be always kept in irons. We are debating of the bill, while we are now only purely to see what is in this paper. I should not have offered to have made use of this as a second witness; but the being an affidavit or not, is not material in this point; the commons proceed upon impeachments without affidavits. It is offered as evidence: that Goodman was a witness against [illegible], and that he hath been tampered with to withdraw, by the friends of this gentleman. I do think we have gone more steadily and equally to work, than upon any of the records of attainder in your Journals.

Mr. *Brotherton.* The question is, Whether this Paper shall be read? First, it hath not been proved before whom it was taken, nor nothing at all. It hath been objected, that there ought to be two witnesses by the late statute. But I must put you in mind, that it was so by the statute of Edw. 6. and so was the common-law before; and my lord Coke says, there must be two witnesses, and they brought face to face: and so goes to the divine law; and if it should not be so, I will put you in mind of an inconveniency: eleven witnesses were produced before the grand jury; and when they came to give evidence face to face, before the petit jury, the first witness did not know the criminal that he had sworn against. It was in the case of sir Rowland Stanley. They mention a Paper against Algernon Sidney, but that Paper was writ by himself. It is said, this house is not bound by the rules of other courts; for that reason they ought to give rules for other courts. Nothing is more common than to say, judgment was so in the house of lords, and that settles the law in other courts below.

Sir *Godfrey Copley.* Several gentlemen have spake to the reading of this Paper; some have said, That it should be read as evidence: some others are for reading of this paper; but yet at the same time tell us, it is not to be looked upon as evidence, at least not equal to a witness. If the paper be to be read [illegible], I would know for what reason? If it be to have any sway upon our judgment, if it hath any effect upon my judgment, then in some measure it is equivalent to a witness, when it is in the nature of a witness; and if it should be read to supply the defect of a witness, then I would know, what the consequence of this might be? I do very well understand, that the court of parliament does give precedents to Westminster-Hall; nor am I afraid of any precedent they should give to Westminster-Hall, but I am afraid of a precedent to future parliaments. Suppose the information of sir J. Fenwick, that hath been delivered in here, should be produced as evidence against any of those honourable persons that are charged in it, though I believe they are very innocent; and some knaves or rascals in future reigns should come in against them, and this paper should be brought to supply another witness what a consequence would that be!

Sir *Henry Hobart.* I must differ with the gentleman that spake last; as to the gentleman that spake before, I did not expect any thing to be quoted out of Lancashire against the reading of it. I will tell you why I think this Paper should be read; you have it suggested in the bill, that Goodman was to be the evidence, against sir J. F.; they are to make good the suggestions, and this paper will shew, that Goodman was an evidence. You are told the danger of the precedent, and there may come ill reigns, and ill parliaments; as to that, I shall only say, in a good reign, and a good parliament, there is no danger; and in an ill reign, and ill parliament, they will make precedents without your giving of them. Mr. Solicitor told you in his arguments, it is true in other courts, by the statute of Edw. 6. you are bound by two evidences *viva voce;* but you are not prescribed by that here, but you are to judge in your own consciences as the thing appears. I may say as another did upon another occasion, let it be read; 'Valeat 'quantum valere potest.'

Sir *Marmaduke Wyvell.* I desire to take notice of one argument that hath been made use of by one or two honourable persons, which is, that they tell us, that Goodman hath been tampered with by sir J. Fenwick: I remember no such thing, that it hath been proved; but indeed it was said, that Mr. D[illegible] gave Mr. Roe 100*l.* a year to invalidate Mr. Goodman's testimony.

Lord *Castleton.* Let me ask you this question, Whether if you read this affidavit, you read it as evidence?

Mr. *Solicitor General.* I desire you would consider what you did, [illegible] Porter to go on with his evidence [illegible] agree you would consider of it after [illegible]

[illegible]

for it is at most but doing a vain thing. I think [illegible]

[illegible] donne: so that the question, Whether it is evidence? must come afterwards; and if you [illegible]

[illegible] in this matter: but the doctrine laid down by [illegible]

[illegible] to admit this paper to be read: but there is no precedent shewed, nor convincing reason given, [illegible]

[illegible] is, Whether an information taken before a jus- [illegible]

[illegible] to introduce a new law, and make a new crime, [illegible]

[illegible] against a known law: but the great argument is, this is an extraordinary offence; that sir J. Fenwick, or his lady, had a hand in sending Goodman away: it is a mistake; and offering [illegible]

[illegible] which is but a hearsay, and that is no evidence, [illegible]

[illegible] was a tampering by a solicitor: what is that? Is it not natural for a solicitor to say, Is there any objections to such a witness? Is it not [illegible]

[illegible] can? Now you would have a copy of an infor- [illegible]

[illegible] mount: if so, then the courts of Westminster [illegible]

[illegible] most material, and that is martial law; which [illegible]

[illegible] were called in again; and the Information of [illegible]

[illegible] was read; wherein he deposed, That there had been a Conspiracy to seize the person of king William, and raise a Rebellion, for two years [illegible]

[illegible] several circumstances to prove it. In support [illegible]

Sir *Rd. Temple.* If I did not believe what [illegible]

[illegible] here, I would not have troubled you at this [illegible]

[illegible] hath not been done in inferior courts: pray, let us see if ever it hath been done in parlia- [illegible]

[illegible] against it: I am sure it was never done yet.

[illegible] at the head of an army; but I hope I am not to [illegible]

[illegible] never allowed in any court, I thought I ought [illegible]

[illegible] satisfies me it is good evidence against sir J. F.; I cannot see how you can admit this for evi- [illegible]

[illegible] upon this plot? Therefore I desire you will bid [illegible]

Sir *Tho. Littleton.* If you proceed in this [illegible]

[illegible] dence against sir John Fenwick; nor do I take [illegible]

[illegible] dence against sir J. F. than this; as Goodman's [illegible]

[illegible] sir J. F. was privy to his going: why did you [illegible] such proof as is necessary at law; and it may be, if you would come to it now, it would save you time: for I find by the counsel, that what is sworn against another man, at another trial, would not be evidence at law against the prisoner; and I believe if he should except to a jury-man, because he was upon Cook's trial, it would not be allowed as a good exception, and he would be told, he was no way concerned in another's trial.

Mr. *Howe.* It is a strange sort of evidence that is offered here, and it is a strange way of bringing it in. The house made nothing at all of hearsay, and yet now hearsay must be taken for evidence. I have heard that the grand-jury take an oath not to discover what was sworn before them; this, since the grand-jury have subjected themselves to it, yet you have brought them here as witnesses to give an account of what was sworn before them, (which I am afraid is a breach of their oath), it shall make me give less credit to what they say. We are here to attaint a man, but we must not talk of proof; that is a strange thing! I am sure, if you do not find it with proof, it would be against proof. Shall I be plain with you? I question, if this house had heard what Goodman swore at that trial, and what was alledged against it, whether this house would have been of that jury's mind: for I have heard that two or three did swear, he was not at the place at the time he swore he was, as plain as a negative could be sworn.

Mr. *Harcourt.* If you please to let the king's counsel go on upon this, you will save a great deal of time, and prevent any exception to any evidence afterwards: for it is not in the power of man to offer any thing more absurd. I do not believe that ever any man heard of such a thing offered, That a record should be given in evidence against a man, that is no manner of party to the record; I am sure never any such thing was attempted before. As for the other things, you have something offered that made a second trial, how far you should give credit to them. Upon those matters, the counsel at the bar for the king told you, that there was some pretence that it was law, and practised below, and a book was produced to justify it: but in this case, if there be book, practice, precedent, or any thing to justify it, I will sit down. The answer made it ten times worse: the gentleman said, he would not have the record read, but upon that record to prove what was sworn at the trial: why, does that concern any person in the world but Cook?

Lord *Cutts.* If the worthy gentleman that spoke last had made out all his propositions with clearness, equal to the assurance with which he asserted them, they would have more weight: but I will say, that which he hath asserted does not appear to me so. I take this to be the same thing, in some measure, over and over again. It hath been told you, that this house are to give their judgment in a matter of great importance; and therefore I think it is fit that all the whole matter should be laid before them; when that is done, they only are the judges of what weight it is.

Mr. *Sloane.* I go along with those gentlemen, that this is no sort of evidence against sir J. F.: but our question is about a witness that is withdrawn, and to know what he said, and how he was believed when he was here. How he is gone, we have seen already; and therefore though I think the verdict against Cook nor nothing of that can be read as evidence against sir J. F.; yet if he hath withdrawn the witness, and the credit of him is at stake, as you have heard evidence of what he said upon oath before the trial came on, by the same reason you may hear what he said at the trial.

Mr. *Pelham.* I think it would shorten our debates, if we were thus satisfied about what we are a-doing, that we are trying sir J. F. as we are told at the bar; he called it a trial, and it is a trial. I must confess I was in hopes I should never sit in the house of commons to try any body; I did not think it the business of us; if I had, I would not have come hither: but since we are come into it, is any thing more natural, than to examine whether this evidence proper, or such evidence as any court would allow of?

Sir *Wm. Williams.* I suppose there is no gentleman of our profession that hath seen any record, which says, that this hath been offered in any court of law: I believe, if he was upon his trial upon the indictment, nobody would say it would be read against him. Let us consider how many judgments, that have been given hastily in the late reigns, have been reversed. What is the reason that is given for it? It is for receiving that for evidence, which was not evidence in the law: your Bill of Right takes notice of it.

Mr. *Solicitor General.* I did not think this matter would have held you a quarter of an hour; but if gentlemen will debate upon the same matter that hath been over-ruled twice before, all that is to be proved by this record is, that one Peter Cook was attainted for high treason: if the counsel on the other side would have owned Peter Cook to have been attainted, you had not been troubled to have the record brought to the table. But as to what they say, that sir J. F. was no party to the record, and therefore it can be no evidence against him, I suppose it would be evidence for him. Suppose Goodman had sworn he never had been at the King's-Head-Tavern, would not the prisoner have produced a witness to prove what he had sworn? Then I would put you in mind of a case, because there is a nicety in this matter without any reason; it was in the trial of alderman Cornish; he was indicted and tried, and the great fact was in the house of one Shepherd; there was a witness against him, one Rumsey, who swore, &c. Says Mr. Cornish, he was a witness at my lord Russel's Trial, and he did not name me to be one; and it went so far, that when Shepherd said, I was in the room; he stood up and said, No, it was read before I came in. Mr. Cornish would have produced a [illegible] have proved that Rumsey [illegible] we [illegible] ever tried for high treason; and there, upon [illegible] pray it may be read; I have given no opinion [illegible] other evidence, this is an ingredient and part [illegible] would that be evidence? No sure, for nobody [illegible] mit to be produced a record of conviction [illegible] against one that is not present, I think you [illegible] Yes, no doubt of it; and there is the distinction. It is one thing, where you are to give in a record to convict and attaint a person, and [illegible] jured, and to invalidate his testimony; for when evidence is brought against a p[illegible] is collateral; if it be upon a trial when another is concerned, if the witness gave a contrary evidence, or the party was acquitted, then the [illegible] but it differs very much, where you bring evidence to take off the credit of a witness, and [illegible] off the testimony of Rumsey; but if this record of [illegible] Goodman gave a good testimony at that trial; [illegible] trouble you in this debate; for did not we re-[illegible] prove by witness; what is the difference? If it [illegible] be [illegible]

Sir [illegible] That deposition was against sir J. F. but this [illegible]

[illegible] *General* [illegible] upon a debate, Whether you shall read the conviction [illegible] conviction, can be evidence against sir J. F. I do not pretend that this is; nor do not be-[illegible] the bill, that several of these gentlemen were [illegible] cused; therefore, I suppose, the counsel for the [illegible] offered: unless it be admitted; I do not see how it can be made good further; I do not [illegible]

Sir *Wm. Williamson.* I speak only to shew [illegible], Mr. Attorney hath stated it right, no doubt, as to the conviction of this person; as Mr. Attorney offers it, it may be proper enough.

[illegible]

Sir *Christ. Musgrave.* I hear gentlemen [illegible] them in to read this record? I think the [illegible] for sir J. F. said, they hoped you would not [illegible] soner: I never heard the counsel say, that [illegible] any man did doubt it; then if it be no contro-[illegible] be a precedent for posterity? I take it that [illegible] paper you have read and this record; and therefore, if you call in the counsel, I hope you [illegible]

Mr. *Ed. Harley.* Before you call the coun-[illegible] if as evidence, you overthrow all the course of [illegible] statute-law; for it hath been in all trials [illegible] per, because it should not influence the jury. [illegible] it: But we know what was done in those reigns hath been justly reflected upon; and I hope you will not make a precedent here, to en-[illegible]

Which Question being put, the House divided. Ayes [illegible] Noes [illegible]. So it passed in the affirmative.

Mr. *Speaker.* Gentlemen, You have had [illegible] request [illegible] your [illegible], That the [illegible] to what Goodman swore [illegible].

Mr. [illegible] farther.

Mr. *Speaker.* [illegible]

Which Question being put, [illegible] passed in the [illegible].

Mr. *Speaker.* [illegible] to prove [illegible] was [illegible] read [illegible].

[illegible] Cook [illegible] witnesses, to prove what [illegible] two [illegible] opposing, they were all ordered to withdraw.

Mr. *Manley.* I [illegible] regard for the laws of England, and to every man's life, that when I see [illegible] against [illegible] for the [illegible] I [illegible] had [illegible] was a thing [illegible]; that she [illegible] consequence; if you [illegible] every thing [illegible] offer, I [illegible] it appears that [illegible] the jury [illegible] Cook guilty? [illegible] Cook guilty, [illegible] Goodman; [illegible] was [illegible] material, and there might be other evidence [illegible] they might [illegible] guilty, [illegible] the evidence given by Goodman [illegible] way or the other, we can't [illegible]. We [illegible] to be governed by the rules of Westminster-Hall [illegible] between [illegible] must [illegible] seek a way to take a man's life, by voting against [illegible].

Mr. [illegible] There is [illegible] it, [illegible] tells you [illegible] and [illegible] Peter Cook's [illegible] evidence, [illegible] Goodman [illegible] take the case as it is; here is a witness, who [illegible] given [illegible] [illegible] tion before a justice of peace, the other a re- [illegible] and he [illegible]

Mr. [illegible] and party, that where a witness doth die, be- [illegible] evidence; but [illegible] at the [illegible]

Sir *Thomas Littleton.* [illegible] To what purpose should it be [illegible] to the [illegible] of Sir J. F.? [illegible] one way or another. [illegible] benefit, and [illegible] body [illegible] gentleman, it is [illegible] the grand-jury, [illegible] be swore [illegible] against him [illegible] what he swore [illegible] gone away [illegible] was by Goodman [illegible]

[illegible]

the mistake of a word may alter the sense very [illegible]

[illegible]

could be found guilty: It is our misfortune that [illegible]

[illegible]

Goodman?

[illegible]

180; Noes 102.

[illegible]

mine, they must produce them that evening; for they could not hear witnesses afterwards. To which sir John's counsel answering, They should call no witnesses, but when they came to speak, they should give the house satisfaction why they did not think it necessary to produce any; the prisoner and his counsel withdrew, and the house soon after broke up.

The Gentlemen charged by sir John, move, that he may prove the Charge.] Nov. 17. Sir John Fenwick and the Counsel on both sides were called in again; and the Speaker directing the Counsel for sir John to make their observations on the Evidence that had been given; they did so; and were replied to by the counsel for the bill. After which, both parties being withdrawn,

Admiral *Russel.* I think this may be a proper time to ask questions: if so, I think myself enough concerned to trouble you with one or two. I think, in the Paper [meaning Fenwick's Informations] that hath been read, I am mentioned twice. These are the questions I desire to have asked, What proof he hath of this? Whether ever he saw ——? And, what proof he has that I sent captain Lloyd over, and that I gave him a list of the ships? And that I said, we could not fit out 30 ships in May? And whether or no, since this Revolution, he hath had any conversation with me?

Col. *Crawford.* What that honourable person says, calls me up; my name is mentioned in sir J. F.'s Paper; I desire you would ask him, Why he mentioned me in his paper, as he hath done? And that you would require him to make proof of what he says in relation to me.

Col. *Godfrey.* I desire some questions may be asked him in relation to a noble lord, my lord Marlborough: if he be guilty, I would have it known, and I would as willingly have it known if he be innocent, as I believe it will so appear. I would have him asked, Whether, since the beginning of this war, or from the time of this king's landing, sir J. F. did ever speak to him, in public or private? Or ever did write to him, or receive any message by word of mouth, or letter, from my lord Marlborough? He says, That some service he had promised king James inclined him to promise him his pardon: I would know what that service was? And in relation to his sending Lloyd into France, Whether he can, by any body else, make that appear?

Col. *Crawford.* That gentleman hath put me in mind of one short question: Whether ever he conversed or spake with me in his life?

Mr. *Bridges.* Whether sir J. F. hath any body but himself to support the hearsay he hath given an account of? And I desire a question may be asked him on behalf of the duke of Shrewsbury; what proof he has that the duke of Shrewsbury came into the office of secretary of state again, by the operation and consent of king James?

Mr. *Vernon.* I desire a question may be asked previous to that, because it is so in time; how he knows that noble lord was in treaty with king James, before he went out of the secretary's office, when he first came there?

Col. *Granvil.* I desire he may be asked, What proof he can give, that my lord Bath was to betray Plymouth into the hands of king James, or the king of France, and whatsoever else my father is accused of in that Paper?

Mr. *Harley.* I humbly propose it to you for the method of your proceedings, since you take this method, Whether it will save you time for you to look upon that Paper, and ask him as to the several parts of it, what proof he can make of it.

Mr. *Howe.* I do not oppose sir J. Fenwick's being examined to this Paper; but it might have been more to your credit, if you had examined him before your Vote: [a Vote made a little before, by which that Paper was condemned]. But here are a great many gentlemen rise, to ask a man to that which he does not pretend to any proof of. The best way to saving your time is, I conceive, to have the several parts of the Paper that does concern these gentlemen, read to him, and to ask him upon what grounds he gave the king that information. This will lead him into all that he knows of the matter.

Mr. *Boscawen.* I am not against the question that is proposed last; but you may ask him that at last. But there is a noble lord that is reflected on in that Paper, and that is my lord Godolphin; I desire you would please to ask the same questions as to him.

Lord *Coningsby.* I did intend to take care of my lord Godolphin; there is a hard reflection upon that noble person; but under favour, you must, I think, let him know you have such a Paper; and then ask him in general, What proof he has to the particulars of that Paper? And then you will do injustice to nobody.

Mr. *Norris.* There have been several questions moved by several worthy members; and, I think, the questions ought to be asked: but, I think, there is one previous question to all these; and that is, when you tell him that you have such a Paper, I think the first question should be, Whether ever he delivered those Papers to the king?

Sir R. *Delaval.* I find I am named in that Paper that sir J. F. hath given; I desire that part that relates to me may be read to him; and that he may give a reason why he hath said so of me and Mr. Killigrew.

Lord *Hauden.* Here is another mentioned, and that is commissary Crawford; I desire he may be asked, What proof he hath, that he gave Mr. —— a list of the army?

Chancellor of the Exchequer. I can't blame gentlemen for asking questions that concern them or their friends: some are for reading of it to him, I am against that: but yet I would have you to enquire into this paper. And being you intended to do it, it might have been as well enquired into before Mr. Dighton came last to him. I think you may put yourself into an easy method, and [illegible] leading [illegible] [illegible] paper, as you come to it, What he knows of that gentleman? And ask him no other question.

Mr. *Smith.* I was standing up to the same purpose: I would not have you to put words [illegible] tion what answer he is to make.

Mr. *Speaker.* Gentlemen, I am willing to do you any service I can: but here are long informations, and I never read them, nor know [illegible] of them, [illegible] read at the table.

Mr. *Attorney General.* I think the method lately proposed will save you a great deal of time, and is proper for the discovery of the truth: that you will name the persons to him [illegible] in the paper [illegible] him in general, What he knows of those persons? But when you call him in, I am not for asking [illegible] particular things [illegible] against them in that paper; because that paper, though [illegible] if he knew it then, he knows it still.

Col. *Mordaunt.* I won't pretend to propose any thing, only for the shortning of your time: If after you have informed him there is such a paper [illegible] ask [illegible] Whether he [illegible] And then, [illegible] will bring to prove it? You will find he will [illegible] answer at all.

Lord *Cutts.* I have only one question to be asked sir J. F.; It is not a question that [illegible] person named in that paper. I [illegible] some person [illegible] [illegible] [illegible] [illegible] it. Then, I think it highly necessary to know, [illegible] [illegible] that character, [illegible] [illegible] [illegible] discovered them, [illegible]

Mr. *Speaker.* Is it your pleasure I inform [illegible]

Mr. *Palmer.* If I am not mistaken, when [illegible] [illegible] self to what he had informed the king; and [illegible] [illegible] general questions, I presume he will give you the same answer: Therefore, I think, it may be proper to ask him, Whether this is the paper [illegible] I doubt he will tell you, He knows nothing but [illegible] [illegible] [illegible]

Mr. *Sloane.* What this gentleman has said, has partly interrupted what I was going to [illegible] [illegible] [illegible] he knew of that: But he put it further, That he was not [illegible] accuse himself and not [illegible] him; and so far he was in the right: For if he [illegible] [illegible] misprision of treason at least in him. I don't question but it was a very mischievous contrivance; but if he should confess it, without [illegible] himself to be guilty of it.

Mr. [illegible] You are now upon the [illegible] [illegible] or no. If you will tell sir J. F. that in the paper in your hand he hath laid things to the charge of persons of trust, [illegible] hath a good opinion of; and that this house desires to know, [illegible] [illegible] of it, there is an end of your enquiry.

Mr. [illegible] *Montague.* [illegible] agree, that they will have sir J. F. sent for in: I suppose you will not have the counsel, nor solicitor, by; and when he withdraws, I desire [illegible] and solicitor.

Lord *Cutts.* [illegible] [illegible] said then, I believe sir J. F. did tell you to this sense, That he had assurance from a noble [illegible] against him in judgment; and I think he was [illegible] favour, or to that effect. I do, for the saving [illegible] [illegible] [illegible] him; and that if he dealt ingenuously he might [illegible]

Mr. *Harley.* You are upon the nicest thing [illegible] you. I think before you call him in, it ought to [illegible]

Mr. *Manley.* I think you have been well [illegible] read this paper to sir J. F.: And I am of that [illegible] hath been mentioned: We are here in a judicial capacity as well as a legislative; and this [illegible] [illegible] [illegible] does positively assert; which being contained [illegible] [illegible] him a question, Whether that be his paper? [illegible] [illegible] formation against himself be true or false? And I think it does not become the dignity and honour of this great assembly, to ask him any [illegible]

Mr. *Vernon.* I would observe to you, that [illegible] [illegible] and that is under sir J. F.'s hand; and there [illegible] it is an accusation upon the persons named. In the first paper he does say, There was a [illegible] commission to manage the affairs of king James, and —— was sent over, but they are not named; and afterwards he went about to explain it in the second; and the bill referring only to the first, I suppose you will confine your questions only to the first paper.

Mr. *Chanc. of the Exch.* I would think of some way to [illegible] these things you are going upon: For though gentlemen are in the right to press for these questions, yet I do not think it the business before you. Therefore I think you should acquaint sir J. F. that this paper hath been presented to you, which this house hath thought false and scandalous. But before he goes away, this house hath a mind to hear what he would say to it, and let me say what he would upon that, then you would not need him by any question. The first person that is named I have a great respect for, and [illegible] as any. The first question [illegible] you ask him is, What he knows of my lord Godolphin? But that you should generally ask him questions, as the paper states it, I don't think it proper for this assembly to ask; for there are facts beyond the Act of Indemnity, matters of [illegible]. After you have done with the paper, I have some questions to ask him. I take these matters to be false: but I shall have some questions to ask him which I believe will prove true.

Mr. [illegible]. Before you call in sir J. F. I would offer one thing to your consideration. I think that Paper you are upon is written with sir J. F.'s own hand. Why may it not be fit for you to ask sir J. F. if that be his hand?

Members. No, no.

Mr. *Speaker.* Is it your pleasure that sir John Fenwick be called in? Which Question being put, it passed in the affirmative. And he was brought in without his counsel.

Mr. *Speaker.* Sir John Fenwick, this house does understand, that you have given informations against several persons of great quality, that have been in the government; and they do expect from you, that you should [illegible] clearly and candidly with them, and give them an account of what you know in relation to those persons. I am commanded in the first place to ask you, What you know of my lord Godolphin, [illegible]?

Sir [illegible] [illegible] Heat.

Sir *J. Fenwick.* I am under a double prosecution for my life: I know not but what I say may turn to my own prejudice: I hope the house will not think it an obstinacy in me; [illegible] have done me the favour to [illegible] my counsel, I hope they will please to consider what they ask me.

Mr. *Speaker.* No doubt the house will consider [illegible] your own [illegible]; but they [illegible] expect from you, [illegible] that you [illegible] deal candidly with them as what you know [illegible].

Sir *J. Fenwick.* Sir, I am under a prosecution for my life: and, I hope, the house will please to consider, that I know not what inconveniency may come upon me by it; and I hope the house will excuse me, for I do it not [illegible] obstinacy, but for my own preservation.

Mr. *Speaker.* You would do well to [illegible] yourself well in this matter; it is [illegible] concernment; the favour of this house, if you deserve it, may be of great kindness to [illegible] I have only my command to tell you, what the house expect, and you are to consider [illegible] answer it.

Sir *J. Fenwick.* I hope the house will not put me upon any thing that will hurt me. I should be sorry to incur the displeasure of this house, but I hope they will consider my condition; and I am sure the justice and honour of this house is such, that they will not press any man to do any thing that may [illegible].

Mr. *Speaker.* Sir, if you please to withdraw.

Accordingly sir J. Fenwick withdrew.

[illegible] I would [illegible] this proposal [illegible] to save you time, and [illegible]. The house have heard what sir J. F. says; I cannot but say, that in matters of blood we cannot be too tender. [illegible] that I would propose to you, if this house approve of it, is this; suppose you wave the whole matter to the [illegible] the bill, and then I shall have something more to say to you at [illegible].

Mr. *Clerk.* Now I think it may be very proper for you to proceed [illegible] sent; though, if I may speak my opinion, there is [illegible] your expectation here: And I think the first [illegible].

Mr. [illegible]. [illegible] that allegation was not proved: the counsel for [illegible] worthy member is Mr. Vernon. I suppose [illegible] at the second reading of the bill, [illegible] to have all the evidence [illegible] that Mr. Vernon [illegible] his evidence while sir J. F. is at the bar; and therefore I humbly move, That sir J. Fenwick may be called in while Mr. Vernon [illegible] Evidence.

Mr. *Speaker.* I suppose if Mr. Vernon gives evidence, you will call in the counsel.

Members. Yes, yes.

Mr. *Speaker.* Pray, then, [illegible] that has been made. [illegible] sir J. Fenwick and the counsel [illegible], while Mr. Vernon does give his evidence —

Mr. Vernon. If I understand the counsel

to the Tower (which was, as I take it) on the 10th of June, there was, I believe, a sessions to be held soon after; for, as I remember it,

somebody should be sent over from sir J. F.

but did not declare what they were; but only

a person so soon; and, I think the 2d of July,

Upon the 7th of July there was a noble lord

I went the same day to sir J. F. and

to stay for the king's answer. This was the 7th of July; and by what accident I know not,

August, that the letter was received; but the

received; and the answer that then came to it

it was) but that sir J. F. should be tried; but

that what sir J. F. had to say, should be sent

the judges were upon their circuit; and there

J. F. had to say in writing, that noble lord did undertake to go again to sir J. F.; and, I sup-

noble lord was at the Bath; and so it required a little time.—Why then it appeared, that the king's direction was, that what sir J. F. had sent to the king, he should prove it; and he

government: and the 10th Sept. as I take it, I was directed to go to sir J. F. who was then

message from my lords justices. Sir J. F.'s

prepare for his defence as well as he could; but if he could speak with that noble lord, he should

had said; and was ready to give the lords justices satisfaction: and upon that, I was sent to sir J. F.; I carried the message in writing,

thought fit to be sent to the king: and the trial

Mr. *Speaker.* Gentlemen, you consider that this Evidence is given, with relation to that [illegible] may speak before you withdraw.

Sir *Tho. Powys.* As to this matter, I can [illegible] rules of law, it is not, in any degree, treason: what you will construe it to be, I cannot tell. We think it is only what is very usual when persons are under an accusation; they will put off their trial as long as they can: perhaps [illegible] of the nature that this bill is of.

[illegible] mission, that, considering the nature of the bill, and the particular case of sir J. F. will (in some measure) answer this fact: I take this singly in itself, as it hath been observed, not to consist with honour; but it does not import a [illegible] put off his trial. But, suppose it was unlawful, or that which they call prevaricating: I hope it is far from making him guilty of high-treason, which is the greatest crime this bill designs to pass sentence for; and, I hope, you will consider, if it be an offence, it is so at common law; and the same evidence will prevail to bring sir J. F. to condign punishment by the [illegible] attorney.

Mr. *Speaker.* Mr. Serjeant Gould, have you [illegible]

Mr. Serj. *Gould.* No, Mr. Speaker.

[illegible]

Mr. *Sloane.* I propose it to you, Whether, if the [illegible] in the presence of the prisoner?

Members. No, no.

[illegible] brought in.—Ordered, That the counsel be discharged any further attendance at this time.

Mr. *Methwen.* There can be no debate previous to the reading of your bill. I desire the order of the day may be read.

[illegible] of the Bill a second time, was read by the clerk. Then the Bill was read a second time [illegible]

Debate [illegible] afterwards opened by Mr. Speaker, and he [illegible] rising up to speak:

Mr. *Speaker.* Shall I put you the question [illegible]

Sir *Tho. Dyke.* Sir, I hope you will not [illegible] exception is made to the bill; I am sure it is as [illegible] brought in a great while: it is a tender subject [illegible] and if I thought it was really so, I should be heartily for it; for I think there is no compa[illegible] that of private persons: but that hath been often said, but not proved; therefore, I think, I may tell you my reasons why I am against the bill. That the parliament hath a power to make such a law, is agreed; but I think it [illegible] case. This case is, that a gentleman is charged with treason; and it is proved but by one witness; though the counsel did say, that a con[illegible] witnesses and jury: I would know in what country it is so? Besides, the witnesses are produced here, and not sworn; and upon the whole, there is but one witness. Sir, I am [illegible]

[illegible] such a nature, that as a debate is rising upon it, I hope all gentlemen will hear one another with the greatest attention that may be. The [illegible] pass the bill, and I do not find that contested by any body; though (with submission) the latter part of what he said, contradicted what he admitted at first; but since that is so much agreed, I shall say but little to it, and that is this: that without such a power as this, any [illegible] want a sufficient power for its own preservation, [illegible] believe, gentlemen are pretty well satisfied it [illegible] dents of that kind have been quoted; and the counsel against the bill have admitted, that [illegible] they were made in ill reigns; but I take it to [illegible] we have such a power, and that that power [illegible] you is, Whether in the present case, there is sufficient ground for you to exert that power? And upon that, give me leave to observe the [illegible] guilty of that crime. His crime is high-treason, the highest crime in the law: it is for conspir[illegible]

[illegible]

a sufficient overt-act of high-treason; and his

[illegible]

been going out of the world: and there hath

[illegible]

within the letter of the law; but you have

[illegible]

man will apply to his conscience in the judg-

[illegible]

promises of making a confession, from time to time, gain a delay of his trial. It is a great presumption, that that was in order to a design

[illegible]

with the other evidence, Mr. Porter.—Sir, gen-

[illegible]

making a precedent: you were very well told by a worthy gentleman that spoke the other

[illegible]

case of a good parliament, it is not to be ima-

[illegible]

now; and in ill parliament, they will have the

[illegible]

tlemen consider the way of arguing: I have a power to do such a thing, and yet if I have such a ground as is sufficient, I shall not make use of it: to say you have a power, but shall

[illegible]

cited by a learned gentleman that spoke against

[illegible]

lord Strafford; and the act of parliament that

[illegible]

but, sir, the reasons given in that bill of repeal

[illegible]

the lords were absent: and at last, the king,

[illegible]

are given; but there is not one that questions the parliament's power of doing it; though

[illegible]

much injustice, to make a law to punish a man *ex post facto*; but that the parliament may declare that to be a crime, which was not so before, nobody doubts; and without that, the

[illegible]

and I do not imagine it is a greater injustice

[illegible]

dence, when the fact committed by the pri-

[illegible]

of blood, it is true; but I do not aim at the

[illegible]

here he must be concerned in great matters, to

[illegible]

crime. I do think, if this bill does miscarry,

[illegible]

this expression; I think, if this bill miscarry,

[illegible]

other; and for these reasons, I am for committing of this bill.

Mr. *Newport*. Sir, I am unwilling to trou-

[illegible]

time, when I am afraid I am like to speak

[illegible]

be a judge; and therefore, I will in this case,

[illegible]

weakness in my nature, that I am very tender

[illegible]

A gentleman below said, the other day, it was

[illegible]

was taken of those words: But, sir, I would

[illegible]

it taken no otherwise; and I would go a little farther than that honourable gentleman; and

[illegible]

ledge, that sir J. F. was guilty; yet, sir, with humble submission, as a judge, I do not think it

[illegible]

judge, I am to go according to my judicial

[illegible]

a few. The ordinary trial is by twelve jurors; but if it be a matter of an high nature, as an attaint, then it shall be by twenty-four; and you do prefer a greater number in every thing to a few. It is said, though a judge do think in his conscience a person guilty, yet he ought not to make use of that private knowledge; and a case was quoted out of Hen. 4. But I think that judge might have behaved himself something better than he did; and sure I am, now he would be blamed. I do not say, that a judge upon his private knowledge ought to judge; he ought not; but if a judge upon the [illegible] might be acquitted or convicted (not generally [illegible] [illegible] and give evidence of his knowledge; and so the [illegible] [illegible] convicted, and then get a pardon for him; for a pardon will not always do the business: for there may be a forfeiture that the king's par- [illegible] judges here, do we act only as judges? I thought [illegible] There is this difference between the judicature of Westminster-Hall and this court: They are to judge upon a fact found by a jury; but we act both the part of a jury in trying, and also [illegible] [illegible] vate knowledge to acquit a prisoner, as (I think) nobody doubts but it is his duty to do, then every gentleman in this house may make use of [illegible] or convict him.—I confess, for my part, I am [illegible] crime for which he stands accused. I do think this crime is high-treason; I think there is no danger of a precedent in this case, if you con- [illegible] you have heard, that he is guilty: I do own, if [illegible] [illegible] [illegible] [illegible] [illegible] to be for the bill. I am one of those that think [illegible] the [illegible]

Mr. *Harcourt.* I can readily agree with the gentleman that spoke last, that high-treason is [illegible] [illegible] in the recital of the act is undoubtedly high-treason; and I am sure he will agree with me in [illegible] [illegible] [illegible] [illegible] relation to the power; but sure it is no argument, because I can do a thing, therefore I will [illegible] [illegible] [illegible] [illegible] ought to do it: A better reason must be given me, before I consent to this bill.—Then for the [illegible] and many have been mentioned; and if I thought it worth while, I would mention many more you have not heard of. As for precedents in [illegible] [illegible] justice; but I don't remember any one precedent of this nature, for a person in custody, forthcoming, to be tried, yet to be attainted without a trial at law, but what has been universally branded; and they all seem to be re- [illegible] were usually made; and rather to be marked [illegible] our imitation.—Before I particularly mention the facts how they stand before you, I would [illegible] your proceedings, and tell you what staggers me in it.—I have often heard this called a trial, and that we are the judges; the gentle- [illegible] told us we were the jury also. I know no trial [illegible] Charta, *per judicium parium*, by a jury, which [illegible] esteemed one of our darling privileges; or *per* [illegible] parliament; but if it be a trial, it is a pretty [illegible] his trial hath a chance to be hanged, but none to be saved. I can't tell under what character [illegible] jurymen: I never heard of a judge, I am sure not of a juryman, before, but he was always upon his oath: I never heard yet of a judge, [illegible] to come to a clear sight and knowledge of the fact: I never heard of a judge, but if a prisoner came before him, the prisoner was always told, [illegible] a power to condemn the guilty, but to save the [illegible] such a trial as this (if it must be called so) it [illegible] [illegible] world; what judgement is it that we can give, [illegible] nocency fully appear? Is the Speaker, by his [illegible] [illegible] [illegible] case, the party must undergo a double trial, which is contrary to all the rules I have heard of. If I am a judge in the case, I beg leave to [illegible] definition I have met with of a judge's discretion: My lord chief-justice Coke says, it is 'discernere per legem;' and by that discretion I beg leave to consider this case: If judges make [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible]

bill; but instead of that, I am surprized to hear a thing mentioned, that in parliamentary pro- [illegible]

[illegible] Porter as upon his oath, for supposition: You [illegible]

high-treason; and, with your leave, I desire to [illegible]

Yesterday you voted a paper to be read, Goodman's narrative or examination; it is a dif- [illegible]

evidence we heard. And first, there is some [illegible]

gone, therefore Goodman was. It was told us further (and I desire I may be informed if I am [illegible]

it. Give me leave to tell you a rule I never [illegible]

made in favour of life; but to presume a man [illegible]

Fenwick's order; shall we presume sir John Fenwick did it? Is hear-say to be evidence? [illegible]

sumption? How often, and with how much [illegible]

that is, of what was sworn at Cook's trial; and [illegible]

there. I can never go so far as to think it rea- [illegible]

one case should affect another man; but all this is to be answered, by calling it Parlia- [illegible]

tioned with some kind of disdain, as very inconsiderable. In this case, I beg leave to say this [illegible]

Westminster-Hall are, it is not therefore reason because it is a rule; but because it is reason, and [illegible]

fore it is a rule; and if they make their rules for that cause, I hope that is a cause why we should imitate them: But I would not have [illegible]

—Upon the whole matter; if no gentleman will [illegible]

witness, and that not upon oath: and if we are [illegible]

ply that defect, the want of the other, it is [illegible]

discretion I will disclaim all the days of my life. And I hope you will reject the bill.

[illegible]

Hall, I should think that he had shewed a great deal of reason, and spoke with a great deal of judgment; but since I think you are here upon a quite different foot; I shall not follow him (because I will not unnecessarily detain you) [illegible]

apt to multiply; therefore I do think, it is of [illegible]

you make to-night: And if any gentleman can [illegible]

cedent of not passing it, I shall humbly submit. I do think, sir, the matter before you is of the highest importance; and I must confess, it is with a great deal of satisfaction to myself, that I do see gentlemen seem to apply themselves with a great deal of seriousness to this debate. Sir, I shall not pretend to make a particular [illegible]

say; as to the precedents of acts of parliament, I think this answer is sufficient at present for [illegible]

considered, that we are in a case, the like to [illegible]

first thing I shall apply myself to, is the jurisdiction of parliaments; and truly, I think, it will be very necessary to say a little upon that. I have heard none call this power in question, [illegible]

what it is: It is a power that can make laws, and abolish them; a power that is superiour to [illegible]

that legislative power; and therefore I shall say no more to that, it being a matter agreed, that we have a power to proceed in this mat- [illegible]

crime; yet, with submission, I think there re- [illegible]

me appears guilty, is not only against the life [illegible]

only a conspiracy to raise a rebellion, but at [illegible]

France, and bring in a foreign power. I know [illegible]

it, than by using a term which physicians use [illegible]

a complication of distempers; and I think this is a complication of treasons: this is the high- [illegible]

Now, in giving our opinion, and passing our [illegible] two [illegible] There is a consideration we owe to the prisoner that is brought before us; and another consideration [illegible] the first of these, it being a matter of blood, [illegible] ought to proceed with [illegible] possible; and I do agree, if there was nothing [illegible] in favour of [illegible] stands: let me desire those gentlemen that are [illegible] time. I do consider the hardship (if I may use that expression) of passing this sentence; I do consider what a condition we had been in, if the contrivance that was laid had taken effect; [illegible] know not how far off it is at present; this ought really to weigh with you. And I hope [illegible] he tells you, That a man that would consider his duty aright, must consider the matter in all its parts and circumstances; and when that is [illegible] I would apply that to the present case; and would [illegible] That the prisoner before you does not stand convicted of any crime: It was told you at the bar, That the most we ought to pretend to, is no further than to leave him in the condition we found him: I think, with submission, the prisoner [illegible] the general consent of all mankind; for I will be [illegible] walks the streets, not a living soul, that doubts of his crime. But, sir, I would put this matter yet further; I am not only satisfied in my own [illegible] the foundation of every man's opinion; but I am satisfied, that in this way, there is no hardship imposed upon sir John Fenwick, if he will be his own friend: for I doubt not, upon what [illegible] much a penitent and friend to the government, and to posterity, to tell truth, and leave off his dissembling, and be plain; I doubt not but he will find favour. Now, sir, I would beg leave only to answer one or two objections; for some things [illegible] of this bill, I do not think material. One objection [illegible] counsel for the prisoner; he said, It would be a [illegible] stands; and in the first place, as previous to that, I take leave to observe a few things. It is a proposition generally agreed to, and not to [illegible] use of to their destruction. Now this treason bill was designed for [illegible] and the malice of false witnesses; and this bill [illegible] upon reason. Why, sir, in answer to that, I [illegible] unlimited power; but no gentleman can ima[illegible]

A [illegible] evidence, or it is no evidence; if it be evidence, then, says he, Why do you not try him at law? [illegible] Now, sir, with submission, this carries the face and form of an argument; but if you take it to pieces, I think there is no convincing weight in it. For, [illegible] of so great a crime going unpunished, may be dangerous to your posterity. This bill of attainder is brought into the house, that you [illegible] captain Porter, [illegible] upon; says he, shall a man that hath owned himself guilty of such a villainy as the murder of the king, of a sudden have such credit as to [illegible] by Charnock; and my L. C. J. was pleased [illegible] could never [illegible]

[illegible]

you and your posterity run in not passing of it?

[illegible]

question are passed over, I should think it a reflection upon the house, to enter upon a par-

[illegible]

but for the reasons I have given, I am for the

[illegible]

Mr. *Sloane.* Sir, I as little care for med-

[illegible]

this case; but I think it is incumbent upon

[illegible]

here, in point of trust; I think it his duty to

[illegible]

clear and satisfied in it; and if I was in the least dissatisfied, I should venture the displeasure of the house to absent; but upon the whole case,

[illegible]

is said to your jurisdiction in general; I remember it was said this was an incroachment

[illegible]

which is the next sentence; 'Nec super ibimus, 'nec super eum mittimus, nisi per regulare ju-

[illegible]

tried, a commoner by a commoner, and a peer

[illegible]

and laws in the land: And when you come to

[illegible]

you have the commons *lex terræ*; you have

[illegible]

trials besides that by jury; there are trials by battle. The defendant in case of appeal may try

[illegible]

cause. Then there is a law above all these

[illegible]

'ab omnibus inquirenda,' but 'a paucis nota

[illegible]

ter regularly upon his trial.—I would answer

[illegible]

parliament; and I must confess, I did wonder

[illegible]

what my case was: If I had had such a case as count Coningsmark, a bad cause and a great deal of money, I would rather be tried there;

[illegible]

was; but if I had a good cause, and would use

[illegible]

be corrupted, I had rather be tried by 4 or 500

[illegible]

sitively sworn, that he had another meeting at

[illegible]

sage to invite a foreign power over here. Now

[illegible]

And I would go upon the same reasons for believing a Witness, as they do in Westminster-

[illegible]

tlemen, as to the credibility of a Witness; But if he be to be credited in Westminster-hall, why is he not so here? And therefore, if they

[illegible]

offer to prove one word of that; but what was

[illegible]

ledge against his credit several things, but did

[illegible]

I do take it, that Porter stands before you as a

[illegible]

against your jurisdiction; and by the same

[illegible]

soever; for you can in no case give an oath.

[illegible]

Law, sir, they say, that there is but one Witness and [illegible] two [illegible] Witnesses, [illegible] also [illegible] upon [illegible] Now, sir, [illegible] this seems to be the [illegible] that is insisted on against the proceedings in this case, I beg your leave that I may fully answer it.—And taking it to be true, that the fact is proved by one Witness, I conceive we may proceed in this cause, though they cannot in Westminster-hall; and I do take it, that there is a great deal of difference between one and the other; and I do not take your proceedings upon this bill, being there is but one Witness to be any strain, but what you may extend the legislative [illegible] without going beyond what hath been done. I therefore beg you to consider what the law originally was as to treason, and how it came to be altered. Before the statute of 25 Ed. 3, it was [illegible] what was treason, and what was not; then the statute came and reduced it, that as to all [illegible] these [illegible] treasons, and no other shall be adjudged so. But the parliament reserved to themselves a power, that if any case should happen [illegible] them, they would [illegible] themselves. So, sir, that at that time, and after that time, one Witness was good in case of treason: as now it is at this day in robbery, felony, or any other fact but treason. And till 1 Ed. 6, one Witness was good in all treasons. Then comes two statutes in Ed. 6's time, and the first takes notice, That since the 25 Ed. 3, by several statutes treasons had been made which were unreasonable, and therefore repeals them, and makes several new treasons: Then comes a Proviso at the end of it; 'Provided always, 'that no person whatsoever, after the 1st Feb 'then next coming, shall be indicted, arraigned, condemned or convicted for any 'offence of treason, &c. unless the offender be 'accused by two sufficient and lawful Witnesses, or shall willingly, without violence, 'confess the same.' Now that Proviso relates only to the treasons particularly mentioned in that statute. Then comes the next statute 5 Ed. 6, and pursues the same words, But now this did not mean any facts whatsoever that were left to the judgment of the parliament, because these facts were not within their cognizance. They are not parliamentary words; attainted, arraigned, convicted, but only used by the courts below. Why, sir, admit it be so that one Witness is insufficient, here you have not only one crutch Witness, but he is propt up extremely well by collateral circumstances; and though I do not say [illegible] can proceed upon one Witness with [illegible] circumstances; yet for the reasons given, considering how this evidence is propt up, I think it is sufficient before you: For there was another Witness against him, and it hath been proved why that Witness could have said he was here, and it is plain that men have died upon the same testimony. I must confess, when I was for reading of Goodman's examination, &c. I was not for reading them as conclusive evidence, nor do I think them so in any sense, [illegible] the conviction of [illegible], or Goodman's Examination before a justice of peace; but it is a stronger evidence in this case than any other, because the Witness is not here, nor is he withdrawn by the means of any body but the prisoner, or his friends; which, as I take it, appears upon the evidence: and if so, I think it comes to the case, That if any one gets my deeds, if he will not produce them, they must be presumed to be [illegible] they are. I must confess, the acting of his wife or any agent might not be evidence, if it appeared they did it officiously without his knowledge, but being Clancy [illegible] Sir John Fenwick, [illegible] was for Sir John Fenwick's advantage, I will believe it was by his privity: And for myself, I think it no strain, if in this case we take him to be a good second to captain Porter, though it would not be admitted in Westminster-hall.—It has been said, That you have no jurisdiction to proceed by attainder in this case, where the person does appear, and he is in the hands of the law, and ready to take his trial: I quoted you an instance the other day, 12 Car. 2, where they attainted persons that were dead, without examining one Witness; and I have viewed all the [illegible] since, and there is not any [illegible], but the bill ordered to be brought in, one reading, and another, and some petitions for [illegible] of savings: There is one rank of people that were dead; a second rank, which, as you were told from the bar, were the king's judges: some of whom, it is true, were tried by the law: But how? Not by the direction of the parliament. It was before they came into the hands of the parliament: and the parliament takes notice they had been tried. There was another sort that was never tried, [illegible] ought to have come into the hands of the law and been out-lawed, the parliament [illegible], and attainted them of treason. Sir, I do take notice, that there was a fourth sort of people convicted at that time (for it was never confined to the rules of Westminster-hall, nor [illegible] we could not give a lesser punishment than that for treason), there were the lord Monson, sir John D'Anvers, and others; and the statute recites, that they were concerned in the murder of the king; yet in regard [illegible] sufferers, they did not give [illegible] judgment of treason, but [illegible].—This is to show [illegible] the parliament have ever [illegible] according to the circumstances as they appear before them; therefore I think this is a plain proof that we have a jurisdiction to go on with the bill; and at the same time, I say this, I would put it out of the case, whether the prisoner be a little man or a great man, that is now in judgment before us; and I would put it out of the case, what a good thing his discovery would be; I do not think that a good argument; neither do I think it any argument if [illegible]

But I do give my judgment from the argument [illegible]

[illegible] opinion, when he began to speak, that I was in hopes he would have given me and every body [illegible]

fore, he told you, the great objection was, That [illegible] tence for treason, but upon two Witnesses; and he told you, they ought to be tied so: In- [illegible] said, we are not tied, and it is impossible we [illegible] there are several statutes that declare there shall be two Witnesses in cases of treason, yet [illegible] may proceed upon one Witness? And I take it, That there being no such hint, it is a presump- [illegible] tion of it by the legislative power.—I did pre- [illegible] being but one Witness: I did not bring his [illegible] rity should influence you; but he was a man [illegible] sistent with either of them: But I have looked upon his trial since, and there he does declare, [illegible] is the law of God, and the law of man; the just [illegible] places; it is certain he reached even by these words, the power of parliament; When I do say power, I do not mean, but that when such a law is passed, all are bound by it; but in [illegible] not just for you to do; You can do but what is just and agreeable to the trust reposed in you.—The gentleman says, he thinks it a strange [illegible] by a jury than the house of commons: Indeed, [illegible] as this, he might retract what he had said: But I have seen that done in the house of com- [illegible] of that trial. I have sat here when 6 or 7 no- [illegible]

[illegible] gument then; and it was said, it was only an or- [illegible] lowed; yet these noblemen went with that brand in their foreheads; and if any disturbance had [illegible] people: And though we are sure of this house [illegible] parliaments we may have; and upon that account I am very unwilling a precedent should [illegible]

Sir *Tho. Littleton.* Sir, I shall not trouble [illegible] of some matters we have been upon; though I [illegible] till this occasion offered itself: I hope, there- [illegible] fore, is insisted upon still; and I do think we [illegible] case by the rules of Westminster-hall; but I [illegible] tied up by the rules of Westminster-hall? I believe it would receive a determination, that we are not bound up to those rules.—But I will take leave to tell you what I think is proper for [illegible] precedent, why they did admit sir J. F. to have [illegible] any, and to cross-examine the Witnesses, and [illegible] sides in the nature of a trial; the great reason was, because that in a case of so great conse- [illegible] judgment upon their private opinion, whether [illegible] I always will. (It was not long ago we were not to have our religion upon our private opinion neither:) And when I am justified in that, I will rely upon it. Whether this be strictly legal evidence, I do not lay so much weight [illegible] science; and I believe there is not a man in the house but is so (upon what he hath heard), and doth believe that sir J. F. is guilty; and if [illegible] lief. And I tell you why I think every man believes so; because every man in the kingdom that hath not heard so much as we have heard, [illegible] opinion.—What Evidence have you had? You [illegible]

[illegible] did swear before the grand-jury; you have [illegible] soner upon it: And though this be not legal [illegible] I have reason to disbelieve this man, and think [illegible] pieces in a barbarous manner, but he would have had a trial) and suppose before his trial [illegible] had sworn this to a grand-jury, and they had found the bill, I believe this house would have attainted him for it.—Sir, I do not think that [illegible] other courts, when the government is at stake. [illegible] enemies of it: We have had plot upon plot; [illegible] extraordinary occasions; and here is a man that hath endeavoured to subvert the government [illegible] ther. I hope you will use it now; and if they knew who were not of that opinion, I believe [illegible] send them [illegible]

Mr. *Howe*. Sir, as to the argument, that if it was [illegible] that [illegible] this bill, the people would not chuse them again: I am not afraid of that; I have been told so often, and yet I find the people I live amongst, use me better and better every day; and I believe, sir, they will desire [illegible] I must in some measure support what seemed to be reflected on an honourable gentleman, in [illegible] 400. I am of his opinion, and this is my reason for it; I have my lawful challenge in case of the 12; and if there be any on the pannel I have [illegible] here [illegible] and [illegible] a power to do what we please: but I must say of this power, what Bracton says of the king's power. 'Hoc tamen non potest facere, quod non potest juste facere.' It is said, We are not tied up to the rules of Westminster-hall; we are not so; but I beg leave to tell them, that what is reason and justice in Westminster-hall, is so every where. And I do take these [illegible] they might have a fair trial; and it was thought [illegible] reasons, and the [illegible] And [illegible] to say, [illegible] there is no certain rule to prove a man guilty of a crime that may forfeit his life, which is not [illegible] sir, we are going a little further; for the gentlemen [illegible] two witnesses, one would serve; but now they go a little further, for they tell you, there needs never a one at all: for I do say, if every gentleman here [illegible] cause did conceive in their opinion some judgment of his guilt. And, sir, I think no man [illegible] of parliament was to limit Westminster-hall, and that I will trust that with myself, which I [illegible] have been long complained of: but I never thought that the evidence of one witness, and [illegible]—But, sir, what have you done? We have [illegible] minster-hall: but if you give this example, you [illegible] house, and that [illegible] lieve likewise, That it is better that a very heinous fault, or a mistake, should be committed in Westminster-hall for ten years together, than one perpetrated in this house: and my reason is this, Because Westminster-hall have a law to be tried by, if they transgress that law; and there is a way by turning out of judges, and other things; [illegible] no superior power; and when they do a thing, they make it a law: so that this house (as it hath often been observed) can make [illegible] establish arbitrary power and misery upon this nation by a law.—Sir, as to the evidence, to say something to it, since every body hath spoke to it; for my part, I do confess to you, the longer I sit here, and the more I have [illegible] know any thing of sir J. Fenwick's guilt. I [illegible] but that is no sufficient proof to me: I have [illegible] questions as I should, if I had been of the [illegible] with evidence, I cannot tell. Therefore though the grand jury was convinced by it, it is no reason to convince us; because we might not [illegible] go further: There is very great reason to be- [illegible] true. I have such reason for what I say, that [illegible] are a superior power, and I may say what I please of that trial); I say, if Cook's trial had [illegible] be true, I do think they would hardly have [illegible] he swore he was. And I observe a little failure [illegible] Mountjoy's, and dined there. [*Members.* No! [illegible] good witness, he having been there but the [illegible] talk of the business, they having been so long together before: but it does not appear to me [illegible] take it, that it is not just nor reasonable to find a man guilty upon one witness, and circumstantial evidence. I did mention a case where there was a positive witness, and a circum- [illegible] trial; and yet that was not thought a convincing argument by the lords to find him guilty; and I hope no consideration will oblige [illegible] tlemen say, they do not fear. I believe, if sir J. F[illegible] king James's army, that I should come here to sit upon his life, he would have laughed at it, and [illegible]

[illegible] substantial argument, that we do not aim at [illegible] and thus man is racked in a manner to death. [illegible] for not confessing it.—This I take to be the [illegible] have been urged: For this I must tell you, That according to my private opinion, I do [illegible] persons concerned (nor do I believe he knows [illegible] not been a man that hath kept company with [illegible] poor Jacobite officers: There are five people, [illegible] with; I would fain know in what plot any man [illegible] There may be a plot that may be most dangerous, and yet a person that knows of this plot, [illegible] are concerned in it.—But the great argument [illegible] why do they use it as an argument? But I wish [illegible] then? Why, there is a plot going on. Sir J. F. [illegible] and will you hang him because there is a plot [illegible] confinement, it may be, and he knows nothing of it: So that as to what is pressed of his con- [illegible]

I think I need not give you more arguments in this matter. I would hold hear those that have been given, answered. I shall say no more, but I know this, that my private opinion shall never guide me in this case. It is not the same thing with me to raise my own private [illegible] put. In a case of religion, my private opinion does not direct other persons: indeed it does the papists, where they will consider others that are not of that religion.

Mr. Norris. This is a very solemn debate, and it is upon a very solemn occasion. It is a case of blood, it is a case that in my life-time, I thank God, I never had to do with yet; and in this matter, wherein I am now to be judge, I will use as much caution as any gentleman within these walls. I am so conscious to my own inability in what I have to say, that I cannot expect to convince any body; but what I say, is to discharge my own duty, and satisfy my own conscience in that. I doubt not but every gentleman considers the station that he is in, and the trust reposed in him by those that sent him hither: We are intrusted with the lives, liberties, and properties of every man in England; and we are answerable for them to those that sent us hither, to our posterity, and to ourselves. In this matter, many things of great weight and importance are before you: there is the life of a man, the preservation of the king and government, and the power of parliaments to be considered. Sir, as I shall be cautious of taking away the life of a man, so I shall be careful of the preservation of the king and government, and the power of parliament; and though I do not think it requisite, nor never will give my consent to support the government or honour of the house at the expence of innocent blood, yet I shall not be afraid of giving my opinion in this matter, to bring a criminal to punishment: besides the treason he hath committed, he hath crimes of a nature almost equal to treason, and for which, because he hath evaded the cognizance of Westminster Hall, he is now brought before you; and there are several instances, where this house hath taken notice of crimes of a less nature, and for a less reason than this is brought before you.—To quote Precedents, is a little dry subject, but however, I will instance in one, that (I think) does assert the power of parliaments in this case, which has not been mentioned yet; and that was, (I remember) in 3 Rich. 2. of an agent that came from Genoua, who was, by a [illegible] killed upon a quarrel that happened in the streets; he that killed him was brought to his trial, it could not be brought within the statute of 25 Ed. 3. but he was brought to his trial, and it was found only *se defendendo*; but he being a public minister, it was thought that the law of nations would be more [illegible], and he was attainted afterwards by parliament, and there is a record of it. They did not think it to make a general law, but they made an example of the man that committed this fact.—A great many gentlemen have supposed this, and supposed that, and what ought not to be supposed; but I will make an easy supposition; I will say, we are the commons of England in parliament assembled: and I say, Sir, we have [illegible] power to do whatsoever [illegible] the good of the kingdom, and [illegible] be circumscribed by the rules of Westminster Hall, and we are to do no other but what they would do, to what purpose do we sit here? If we are intrusted with this power, and [illegible] exert it, I think here is as fit an occasion [illegible] to exercise this authority.—Sir, give me leave to take notice, that the strain of argument that was used some years ago, is very much [illegible] by the same gentlemen. (I will mention [illegible]) that as it was 1678, when the bill of Exclusion was brought in within these walls; the arguments ran then, (for I have seen them in print [illegible]) that we are against [illegible], What, say they, Will you do this thing? Pass judgment against a man without hearing him? Had he been brought to your bar, to answer what you have to say against him? How do you understand that he is guilty of the crime you accuse him of? And they used to make those arguments against them that were for disinheriting the duke of York. But the answer then was, Do you dispute the power of parliaments? Is there not a discretionary power in the parliament? I do take notice, that the gentlemen that used that argument for the bill of Exclusion, now use it a quite contrary way. Sir, I think the power of parliaments is not to be trifled with.—It hath been urged, and said a little while ago by a gentleman, That he does not believe captain Porter a good witness. I will give you a good reason why I do think he is a very good one; they at the bar think so too, because they would have given a great reward to have taken him off, and for the same reason, I think Goodman to be a good witness too. Sir, I was satisfied, that Goodman [illegible] he was concerned, and he hath been prevailed with to be out of the way.—Sir, there are so great many circumstances that agree so together, that (I think) no person can doubt of sir J. F.'s guilt; and, I think, it is in the body politic, as in the body natural: [illegible] a man is almost past the cure of physic, when a man hath a gangrene, or a mortal distemper, which the physicians by the ordinary means cannot cure, the remedy [illegible] physicians themselves in that case would [illegible] is, they would say, 'immedicabile vulnus ense 'recidendum est.'—I am of opinion, the legislative hath this power, and this is a proper occasion to exert it, and to [illegible] stand [illegible] with fear, it is like to [illegible] vengeance in the hands of Providence, that is not used but upon extraordinary occasions, and then it ought not to [illegible] trifle with, and if we do not [illegible] not effectually able to exert it [illegible] sword of justice be drawn [illegible] and will not cut, they will [illegible] contempt of your power for the future.—Gentlemen [illegible]

of Westminster-Hall, says some; the rules, say others, and others say [illegible] here, [illegible] the forms of proceedings, and the rules, of Westminster-Hall. But I [illegible] do think but the [illegible] at [illegible] a [illegible] as [illegible] been given, yet the parliament itself [illegible] by the [illegible] committee [illegible]. Now I [illegible] gentlemen that [illegible] by the rules of Westminster-hall [illegible] the matter. Are the rules of Westminster-hall no other than what are necessary for the [illegible] of justice? If they are no other, how can it be said [illegible] to [illegible], when we go beside them [illegible] consider of the consequence of this proceeding, there is no danger, I hope, of this parliament. But if we should say, that the rules of Westminster-hall are not such as are necessary for the proceedings in a course of justice, we shall shake those barriers of our liberty and property, I am afraid, a little more than gentlemen think of at present. And shall we declare they are not necessary, when our ancestors have thought them so, and their wisdom hath derived them to us, and the wisdom of the nation in parliament hath established these rules? I can't say what consequence may follow upon this. This parliament can never do any thing to endanger the lives of the people of England; but heretofore parliaments have been damned with several [illegible], set upon them by succeeding parliaments. As for instance; one, I think, in the 33 H. 8, c. 39. That parliament was [illegible] reputed as packed, and passing laws through rancour and malice, and having passed no good ones. Now, suppose a parliament should come that should not be so tender of the [illegible] of the people as this; and they should be so bold as to shake those laws that are made for the rules of justice, if they have so good a parliament to guide them as this. Will not this be a [illegible] precedent to such a parliament as that, to shake all our laws and liberties? But I can't trouble you any longer, my [illegible] will not give me leave. I am against the bill, and have offered you my reasons.

[illegible] *[illegible]*. I hope gentlemen, in a matter of this moment, will have patience to hear me a little; and since every gentleman is to give his vote in this matter, I desire to give my reasons for my vote. I am of the opinion of another gentleman, that we have not [illegible] the [illegible] yet I do not think, that the rules in Westminster-hall are rules to us. The gentleman that spake last, as he always does, made a very florid and elegant speech, and brought you several examples of attainders that have been condemned from one parliament to another, in several reigns. But I do not wonder at that, when the crown went from one to another. An instance was given [illegible] case of the lord Cromwell, who was [illegible] to [illegible] the [illegible] and sir Thomas Powys [illegible] a great stress upon it, that it was [illegible] a wrong judgment, because he was not heard. I believe that may be a reason why many of those attainders were condemned [illegible] must be a custom of our [illegible] of attainder without hearing [illegible] the person [illegible] been [illegible], and [illegible] and I have no person that [illegible] ed, [illegible] had [illegible] because the persons have not been [illegible] will be no reason why any parliament should condemn us. A gentleman told you, the law of God and man was not to condemn but upon two Witnesses; but there are instances to the contrary.—It is told you, Porter, here before you, is not a good evidence, because he is not sworn; and that you are to go by the rules of Westminster-hall. Says a gentleman that spake last, you are to go by their rules, but not by their forms. I must confess there is a great difference between the two: for a form is only the manner and method by which we proceed in doing of a thing; but the rule is the foundation we are not to err from. But I can't agree we are upon the same rules as Westminster-hall is. The rules of Westminster-hall are, when a man is brought upon his trial, the jury are all to be upon their oaths; by which oath they are to [illegible] judgment according to law. This is not the case here: if I was a juryman, and was to try a man, and one Witness swore against him, and no other Witness; though I did in my conscience believe him to be guilty, yet in that case my conscience is discharged, and I must find him not guilty. But no man can say this is the case here.—What are we now upon? Here is a bill to attaint sir John Fenwick of High-treason. If I reject the bill, I declare him not guilty; and if I [illegible] I [illegible] do declare against my own [illegible] judgment here is not bound [illegible] upon [illegible] up to [illegible] proof [illegible] is bound [illegible] he believes sir John Fenwick to be guilty, for the commitment of this bill, and till gentlemen [illegible] me that this [illegible], I [illegible] upon [illegible]

Mr. *Boyle*. The [illegible] that worthy [illegible] debate, gentlemen will [illegible] votes [illegible] we represent, when we [illegible] man. [illegible] as to what [illegible]

[illegible] concerned in treason shall [illegible] be punished by this bill, to High-Treason? It is [illegible] What are gaols for, but to keep them in custody? [illegible] supply a defect of what ought to have been done in another place?—So that I do say, that a precedent [illegible] precedent to be used in a little case. It may be urged, but it is but a pretence, when you have passed this [illegible] tions of your bill. A man hath aspersed great persons [illegible] dence [illegible] I think by this bill you will open a door for a pro[illegible] Sir, there have been many precedents mentioned. I [illegible] most gentlemen have [illegible] Mr. St. John's in this case. [illegible] there was [illegible] necessity [illegible] I do not see [illegible] I must confess, I have no manner of concern [illegible] more [illegible] necessity, that is pretended, and therefore as [illegible] vote for committing of this bill.

Mr. [illegible] Sir, I [illegible] to be very unfit to speak [illegible] I [illegible] give my reasons why I give [illegible] I know [illegible] [illegible]

[illegible] or [illegible] be not so, there was [illegible] a change of government at that time; but they take notice, it was made a particular Article [illegible] Richard [illegible] Neither do I take that argument to be of any [illegible] That [illegible] have been [illegible] this gentleman hath had as full a hearing as [illegible] or impeachment whatsoever; and he hath had the advantage of counsel in this case, which, as [illegible] counsel too.—It is said this is a matter of no great consequence, because it concerns sir J. F.'s life singly; and he is not thought to be so considerable, as [illegible] one principle I have laid down, That if a plot be [illegible] Now, God be thanked, that we [illegible] the king's [illegible] it, and [illegible] against it [illegible] that sir W. Perkins, or sir John Friend, and [illegible] persons [illegible] in this conspiracy? I take it, [illegible] been much [illegible] [illegible]

[illegible]

first, here is captain Porter; I do not find any body excepts to him; and his evidence hath [illegible]

[illegible] nal hath been objected against it. I will not say, That sir J. F. had owned a great deal of this himself; he hath given every body satis- [illegible]

[illegible] make use of every thing to disparage him; for [illegible]

[illegible] the kingdom: When you have an open inva- [illegible] against the king's life every day; if this be not a time to exert an extraordinary power, I submit it to you.

Sir Rd. Temple. Sir, I shall not trouble [illegible] which, I think, are more dangerous than that. I must confess it is a new doctrine to me, That [illegible] to be no rule and guide to this house. Sir, [illegible] did ever think till now, that the laws were not [illegible] subjects of England; and especially, that they were to be a rule to the parliament that made [illegible] itself by the law; and this, give me leave to [illegible] Shall we make a law here in a particular case against all the laws of England? It is *ultimum remedium et pessimum;* you may use it in a [illegible] be a precedent to overturn all.—There are several things in making this precedent, that [illegible] land: First, you are passing judgment upon a man upon one witness. I have heard a strange [illegible] the common law required two witnesses: for [illegible] traordinary: Here you are going to pass an [illegible] a trial before you, the commons, is a mistake; you never did assume a jurisdiction of trying any person, nor can you: You may for your [illegible] jurisdiction can be pretended for you to try; [illegible] law, and could not be brought to answer: And [illegible] trials had in Westminster-hall; but never a [illegible] have been generally reversed; and for what I [illegible] another thing in this, that I think of a most dangerous consequence; and that is, that you are for making way, for what I know, by this precedent, for a rack, for so it is said; this is [illegible] me leave to say to you, it is a new way not [illegible] unless he will confess or give evidence; but I think it is something more than a rack, for here is hanging, drawing and quartering in the case; and I do not think this proceeding will make [illegible] to this house, nor am I of opinion, that he can [illegible] so by no other law; It is the greatest mistake in the world: I heard a great debate upon [illegible] judged treason, or other felony? I speak to the [illegible] by bill, but only in the house of lords: Much less is it, [illegible] you may judge that to be treason in this house, that was not so by the common law before. So that, give me leave to say, [illegible] there is no such power received by the parliament, to declare any act treason that is not treason before.—I must say, it is of the last consequence, that we should make a law in a particular case, to take away from him all the liberty that belongs to a subject. Some gentlemen talk of the great favour he hath had at this bar: I know not what to think of it; I am sure you allowed the king's counsel such privileges as I never saw before, and that was, to offer that for evidence which every body acknowledged was not so; and I do not think any body would think it a great favour to be heard in this manner, especially to [illegible] the bill.—It is said, every man must go according to his private opinion: that is not said judgment neither; the instances that have been given are of a quite different nature: A man is not to give his judgment against his knowledge: I think that judge ought rather not to have tried the cause at all; but if we sit him to judge, we are to judge him according to the laws of England, and then we must judge him according to legal proof. Will you sit upon a judgment that is not only not tied to the rules of Westminster-hall, but is not tied to the laws of the land; and attaint a man without a legal trial, without legal evidence, and upon one witness, when the law says, you shall have two; and after all, say it is a reasonable proceeding? I know not how it came about, that the act of grace was passed; it did not arise from this house. If it hath [illegible] consequence, let them answer for it that were the causers of it.—They say the government is at stake, because the plot hath not been found out to the bottom. That is not our fault. This man hath been long enough in custody; if he hath trifled with the government, I am sorry he hath imposed upon them; but if it be so, I think there is [illegible] in this case, or [illegible] as to make you make this precedent.

Sir *Wm. Strickland.* Mr. Speaker, I would not make use of any ill precedent: And yet if the present occasion, and the necessity of the kingdom required it, I would make a precedent; I am glad the several ill precedents are avoided in this case, and I would be bold to say, whether this gentleman suffers or no, no man can say but he hath been tried to death by counsel.—Sir, I should be as tender in point of blood as any man; but I do think, if the safety of the king and kingdom is concerned, it is not one private man that we must have respect for, so as to let the public suffer by it. I do think, that upon this occasion there have so extraordinary things happened as have hardly happened in former ages; that one who is known to be in a conspiracy to bring over a French power with a Popish army, [illegible] has been [illegible] by his [illegible] pretences to make a great discovery; when he comes to make it out, he accuses the best of your friends; and this is only an artifice to [illegible] way, [illegible] and [illegible] hopes, that if they can get the evidence out of [illegible]

Sir *Fr. Winnington.* I shall trouble you but a little while, it being late; but gentlemen saying it is an extraordinary case, I shall [illegible] mitted; for every member here now is a judge, and he must take the blood of this gentleman upon him [illegible] acquit him; and I must confess, I have very [illegible] That every man, as he is satisfied in his private [illegible] We sit here and have a legislative authority, and it is by the king's command we come together; but at this time we are judicially trying this man for his life; and therefore I humbly conceive, That we ought to proceed *secundum allegata et probata*: [illegible] private opinion [illegible] act by the commission [illegible] tell you of the Lancashire Plot, or that a man shall not be chosen [illegible] gment [illegible] tion.—Now, sir, I will humbly offer to your consideration, and [illegible] why [illegible] to be the same as of his life and death.—I do agree upon all the [illegible] that have been [illegible] traordinary cases, it is in the legislative power of the parliament [illegible] kingdom; but I shall offer why this does not come to that case.—I humbly conceive in this case, for I will not speak to the rules of Westminster-hall, [illegible] thing; for if it be reason in Westminster-hall, [illegible] every thing: But whereas gentlemen say you [illegible] son for it, for you must take capt. Porter upon [illegible] word; and then I do appeal, if you take what [illegible] know that a bill of attainder proceeded against any man upon bare affirmation? No; in that [illegible] then to turn it into a bill of attainder.—Then [illegible] witnesses, that is, Porter and Goodman: Under favour, I think they are not to be counted as witnesses in the point; and I offer this as a reason; and, I think, it is natural justice in all [illegible]

[illegible] as a malefactor, he hath the liberty to cross- [illegible]

[illegible] can put such a value.—Then, sir, go to the pa- [illegible]

[illegible] to consider the ill consequence of it: Any mi- [illegible]

[illegible] tion before a justice of peace, or secretary of [illegible]

[illegible] this shall be read as evidence against him: He is but half a witness, and a witness upon an accusation, not upon a trial.—Then come to sir John Fenwick's particular case; sir J. F. is indicted, issue is joined, and he hath notice of his trial; and one of the witnesses goes away, no [illegible]

[illegible] that is not our judicial knowledge: Then if that [illegible]

[illegible] trial was deferred, therefore a bill of attainder must be brought against him? Here are plots [illegible]

[illegible] against them; will you have acts of attainder [illegible]

[illegible] been particularly concerned, it might have [illegible]

[illegible] any precedent of a bill of attainder, but where [illegible]

[illegible] the government. But what is sir J. F.'s case? [illegible]

[illegible] government is concerned; so it is in every felony and particular treason; but must there [illegible]

[illegible] ing: Then the question is, Whether sir J. F.'s [illegible]

[illegible] wicked conspiracy? I do not see that this case of sir J. F.'s is so extraordinary, that if he be [illegible]

[illegible] made, I know not what time may produce from it: It may be, after the death of his ma- [illegible]

[illegible] sen as in Hen. 8th's time. It may be the con- [illegible]

[illegible] fore I am against this bill.

[illegible] some words I used, were used only to inflame; I can't so well guess at his thoughts, but I have [illegible]

Sir *Fr. Winnington.* I have a wife and [illegible] think I may make use of that expression.

Sir *Tho. Seymour.* Mr. Speaker, I have at- [illegible] can; and I have heard a great many arguments, [illegible] will not lead your understanding out of the methods and rules of justice. I will not take [illegible] question, as, that treason is a very great crime, [illegible] of Westminster-hall; I think that is no part of [illegible] bounds or can limit the parliament, is what [illegible]

[illegible] said; and therefore I hope you will believe [illegible] in short this, That I do not give my judgment [illegible] directs how, and upon what terms I must give it. If the law hath said, That treason is not [illegible]

[illegible] have been done. And in all those instances [illegible]

[illegible] at the beginning of this debate; I say, marks [illegible] not to imitate. I take it, that the law hath de- [illegible] one attainder that we meet with in sacred history, and that is the attainder of Naboth; he was attainted, and we know what attended that attainder: he was nothing to rely [illegible] the [illegible] of the proceedings there was set up [illegible]. And though Jezabel's letter had impowered the rulers to deal by him as they did, yet there were two witnesses that came up against him.—I take it, that two witnesses are requisite for the knowledge of the truth, that you may make a right judgment whether [illegible] right or no. I will give you [illegible] instance more, I must tell you, Susannah had been [illegible] if one witness or circumstantial evidence would have made her guilty.—A gentleman here says, 'Tis Apocrypha. But [illegible] which weighs with me is, that there may be inconveniences on one side, and there are no inconveniences on the other. I know not what may be the consequence of this precedent, nor where it may bring you: I know the consequence, if sir J. F. be not executed [illegible]; for nobody will [illegible] necessity for this extraordinary remedy to be applied to such offence, [illegible] hath been [illegible] they [illegible] have proceeded [illegible]; and I know not whether it is his fault that they did not, for it was not in his power to prevent it. And [illegible], upon every [illegible], come up [illegible] detections [illegible] government, [illegible].—As to the matter of Precedents. [illegible] that by this precedent an innocent man may be punished, [illegible] precedent [illegible] suffer never [illegible] us [illegible] proceed [illegible]. Now, if sir J. F. be not executed, [illegible]; what is the consequence of that? Is it that sir J. F. shall go unpunished? [illegible] they are deprived of one evidence, that would make it treason, it may be [illegible] for a misdemeanor, and imprisoned [illegible], and I had much rather he should linger [illegible] tion, and I am sure it is much safer [illegible], for [illegible] inconveniency [illegible] way, [illegible] I take it, that when [illegible] that are [illegible] dispute which is the way, we are to take that which is the safest. The learned have disputed, Whether this matter, as now it is charged upon sir J. F. be treason. I will not take upon me to determine it, they differ [illegible], and when they can't determine it, [illegible] by a question determine it absolutely? [illegible] the whole, there hath been so [illegible] counsel for the prisoner, and so little said by the counsel against him, and so [illegible] arguments urged against him, that I must still retain the opinion I had, That there is not evidence enough for you to proceed upon this bill of attainder.

Mr. *Boscawen*. Sir, I desire to give my reasons for my opinion in this matter. I have no personal [illegible] against sir J. F. The great argument for sir J. F. against this bill is, that this is an extraordinary proceeding, [illegible] should be [illegible] extraordinary [illegible] cases of law [illegible] the law, [illegible] the laws of parliament [illegible] that people [illegible] attainder; [illegible] they say [illegible] opposed, which I do [illegible], [illegible] attainted, and have [illegible], and some have been [illegible] times. But [illegible] and a [illegible] house [illegible] I would know, though they confess [illegible] may be, how it can possibly be, it [illegible] at the bar say [illegible] it must be [illegible] and you [illegible]. To say it [illegible] the house of commons under law [illegible], I that [illegible] the house of [illegible] with [illegible] you must have [illegible] evidence as [illegible] that is, you must have witnesses to [illegible] that he is guilty of inviting an army [illegible] to come into England, I am astonished [illegible] that you should [illegible] I think, as to one witness, Porter, [illegible] argument seems to [illegible] more upon [illegible] present. I would know [illegible] two witnesses, [illegible] I do not believe [illegible] I [illegible]. But [illegible] the thing is so plain. How many have [illegible] sir John Fenwick to [illegible] been [illegible]! There were several [illegible] to [illegible] France [illegible] sir W. Parkyns at [illegible] [illegible] and [illegible] sir W. Parkyns and sir [illegible] not present [illegible] of the plot, [illegible] when they were [illegible] they did acknowledge, that they were [illegible] the French, and that sir W. Parkyns was to have a troop of horse, [illegible] 200 horse; but he [illegible] the [illegible]. Now I do take it, that there is evidence [illegible] sir J. F. [illegible] in a parliamentary [illegible]. The gentleman says, [illegible] pretence of throwing out this bill [illegible] nothing, and that sir J. F. is a [illegible] agree [illegible], but it is the consequence [illegible] ing in a French army that is to be considered. Would you pave the way for them [illegible] over, and make their entrance easy? [illegible] the people of England are concerned [illegible] case, as well as their wives and children. [illegible] go, what will be said? I have heard one say, that he believes he is not [illegible] [illegible] but think him guilty, and yet will you let him escape? What encouragement [illegible] he is a man of a behaviour not to be believed to be guilty of such a thing, which was done in other trials. I desire you would consider what [illegible] How could he think to bring in popery with a protestant army? I am sure the bringing in of [illegible] wooden shoes. It is the example of this thing [illegible] and I believe he is guilty, and I am therefore [illegible]

Lord *Digby*. I shall trouble you but with a word or two. I suppose, as long as we act by [illegible] land, we shall not need to fear any censure in [illegible] a very uncertain thing for gentlemen to be [illegible] any rule to walk by; a great many will not allow us any rule at all: I always took our rule to be the law of the land, and that even our- [illegible] have made, 'till we think fit to repeal them; and I am confirmed in this case by one parti- [illegible] passed last sessions, in which there is a clause, That it should not extend to future parliaments. [illegible] in the extraordinary case of this gentleman. When a gentleman speaks of the power of parliament, I take it to be the just power of parliament: I think a man may say, a parliament [illegible] and then I will leave it to gentlemen to con- [illegible]

Mr. *Brotherton*. Mr. Speaker, I perceive [illegible] mitted, arises very much upon a supposition [illegible] law to try this person by; and it hath been insisted, That before the statute of Edw. 6, one witness was sufficient: Now, if I shew you that here is a law in being, and hath con- [illegible] son may be tried, and that by one witness, I [illegible] upon the authority of the law, and upon the historians of all times, who agree in the thing, [illegible] printed by authority; and he is express, That where [illegible] in case of treason, he shall be tried before the [illegible] marshal; and for that, sir, there are several [illegible] been attainted by a court-marshal; and if the [illegible] found guilty. I am upon a gentleman's life, [illegible] so again; there have been several precedents, I say, in this case, and my lord Coke is express in the point; and I desire any gentlemen to [illegible] upon the land and die upon the sea, and I could [illegible] 6. If a man was wounded in one country, and died in another, he could not be tried. That [illegible] with a bill in this case. If two Englishmen [illegible] did not go on further with it.]

Mr. *Paget*. Sir, I attended to the debate of this day, and have not hitherto troubled you myself, because I did expect to be better informed by this debate. I think the substance [illegible] our judgments. Sir, I never had the honour [illegible] a great deal of pains to shew you, that it is in the discretion of gentlemen, and they are only [illegible] I shall be favourably heard at this time; and I [illegible] this time, from something that fell from a very [illegible] repeat him, I hope he will excuse me, for I do not do it with an ill design: But I think his [illegible] know, but if it was known in the country, that [illegible] pas- [illegible] future parliaments. Sir, since there seems to [illegible] in this matter, I hope I may at this time shew you my reasons why I can't come up to agree in this bill; and I shall submit it to them, whether they will do me the honour to chuse me again? I must confess, I do think this is as nice a case as I can pretend to give my opinion in; and as it is so, I shall desire the best assurance of the truth of this matter, before I give my opinion for the passing of this bill.—Sir, you have had before you one evidence: I will admit him to be as much as a single evidence can be: As to the paper of Goodman's examination, I have heard that and other matters too, which I shall not repeat. But I do remember, that, in the debate of [illegible] And if not so, I shall only take the matter as [illegible]—Sir, it it true, I believe this house, as to its [illegible] methods of inferior courts: But I hope I shall be excused, if in the methods of prosecution and [illegible] after they have been [illegible] by the wisdom of the parliament, I hope I shall be excused, if I believe this house can't take away any person's life upon less [illegible] sir, I shall not enter into any very long vindication [illegible] in any other government; and I think my ac- [illegible] and when I have said this, I shall trouble you no further about that: But there hath been so [illegible] it is so necessary for the support of the government. And I was the more willing to offer you [illegible] evidence as inferior courts, and, as they say, [illegible] by papers, then they [illegible] evidence, may be enough to satisfy: And if [illegible] courts, I can't come to declare how little evidence [illegible] take away a man's [illegible]—As to the prisoner, I know him not; but I think this bill [illegible] sion.—Sir, I shall be very tender in giving my opinion for the bill, unless it was very clear to me that it was reasonable. Truly, I have heard very [illegible] of the whole [illegible] that hath been examined, or for which others have been executed, my life has [illegible] in the country, and I have not had the curiosity to buy the [illegible] person that hath been [illegible] judgment on, I hope I may be excused for taking [illegible] upon such evidence as [illegible] before us, to tell you, I can't give my consent to this bill.

Sir *W. Lowther.* Sir, you have had a very long debate [illegible] from the bar; and [illegible] directed [illegible] leges and authority of this house, yet, as far as my judgment [illegible] And most [illegible] that have [illegible] against the bill, [illegible] because it hath [illegible] ceedings in Westminster-Hall, [illegible] hath been but one witness. Sir, if there had been two witnesses, this house had [illegible] troubled with it: It is a case of a very extraordinary nature, and so required an extraordinary proceeding.—It hath [illegible] some gentlemen, Whether one [illegible] sufficient in this case, or no? Which I wonder at, since a great many have been convicted upon his evidence, and [illegible] confessed; which shews it to be a notorious truth. [illegible] from the proceedings here: Because a great [illegible] of the precedents of attainders [illegible] been reversed, and [illegible] with [illegible] nominy. If they did consider the times they were made in, and [illegible] versed in, there might be a great deal of cause for it: We find that, it was contrary factions [illegible] reverse [illegible] the worse. And truly, sir, I do not know but [illegible] are tantamount to a second witness, as I have heard in Westminster-Hall, and in cases of life too. If a man be murdered, and two in a [illegible] presume [illegible] though there is no particular evidence that he [illegible] for it; and that is a presumption of a man's guilt: For a man loses his goods, if he flies for felony.

Mr *Ha*[illegible] [illegible] a debate: I shall avoid repetition of what hath [illegible] I own it is a case of great concern, and it is my misfortune that I should ever sit upon a thing of this nature; but I will discharge my conscience [illegible] me, why I am against this bill. Gentlemen [illegible] upon the debate [illegible] and have made that a part of their argument: but I think, with submission, we need not dispute that at all: It is admitted, that there have been bills of attainder passed [illegible] legislature in all nations have a power lodged in

proper enquiry is, Whether this is such a case

a case as this is, without two witnesses. I must
adhere to that, because I have heard a thing

that I will never draw a curse upon me, and my
posterity, for removing of it. I beg leave that

urged, the Romans will come and take our state

was urged, every body knows; and how far

consider, Is this gentleman out of your power?

your hands in his blood, is he not under the

a great value for them, and I would make

exceptions I had, I would be against this bill upon

reason of it.—Sir, I won't run into precedents,

There was a case in Ed. 3's time; there was
the deposition of a king, a king barbarously

no different title; and four years after, a bill

the record was no evidence.—I say this be-

that quoted as a precedent in this house: It is

understood, it is the rule of right reason; and
it is a maxim in your law, make what law you
will against the law of God, it is void: And this

do it, when the courts are shut. I hope gentlemen
will not put a hard construction upon
what I have said; I have done it to discharge
a good conscience.

Mr. Chanc. of the Exch. Sir, I am for the

science I think sir John Fenwick is guilty; and
because I think the power of parliaments may

a power, I think they may justly exercise it in

ordinary courts of justice; and I am sure that

always used it; and I believe it is for the ad-

ment there; but the legislative is not to be
dallied with: And if the offence be of that na-

Lords of England are interested in the whole,

[illegible]

ciples I declare his enemies to be traitors.—You are told here, it is according to the law of [illegible] much skill in other parts of the world, I think it is our particular happiness to have this way of trial: I think in any other part of the world, [illegible] against him, than to be condemned by king, lords, and commons: But that is your constitu[illegible] in another reign: I would avoid ill consequences in another reign as much as I could, [illegible] if he came to London, he would proceed as his [illegible] and prerogative of parliament in all points; and because I am convinced in my conscience he is guilty, I shall give my concurrence for commitment of this bill.

Col. *Granvile.* Sir, I would not presume to [illegible] bate upon a less subject than it is; but since [illegible] would deal with sir John Fenwick as I would [illegible] to the known laws of the land; I should think [illegible] of every man; and when once we break through [illegible] guiltless of blood yet, and I will take care how I begin to dip them in it. And that which will [illegible]

[illegible] are most strictly observed.—I shall not pretend [illegible] probation abroad. And in this case I shall always be against what is called a trial to-day: But I do not think it any; for I do think we [illegible] are accused; it is hard to be accused, and to be a judge at the same time. I am sure I am as much concerned as if I was accused myself, [illegible] think myself bound to speak against this bill. [illegible] can say; and I will never go about to stop his evidence, by cramming a bill of attainder down his throat.—Besides, it is an unfit thing for any gentleman who is obliged to be of counsel for [illegible] here as a judge: I think also to proceed in this manner, is a disrespectful thing to the king himself; for in this case you turn the throne [illegible] proceeding, to pronounce the sentence himself upon the life of a subject; and it is hard to offer a bill to the king in such a manner, by [illegible] pass sentence upon this gentleman, which per[illegible] him averse to.—Sir, it is too late to give you other arguments; you have heard a great many better than I can give: But I think this bill is [illegible] quence; and therefore I hope you will not commit it.

Sir *Herbert Crofts.* Sir, I did not think to [illegible] spake lately, who seem to lay a great load upon [illegible] matter, because it is in relation to the blood of a man. I have considered the point, I hope, [illegible] walls, and hope to act with as strict a consci[illegible] from it. I must agree with those gentlemen, [illegible] rules of Westminster-Hall; and therefore what was said upon that, I did not think worth taking [illegible] nearly, that I must desire those gentlemen to [illegible]

[illegible]

one witness. Now, I say, I must desire the [illegible] pleased to shew me it in scripture, and I will be entirely of his opinion: But till I hear that [illegible] have no weight. And now I am up, I shall give my reasons, why I shall give my vote for this bill.—The reason that governs me, is the [illegible] thing I am in the station wherein I stand bound [illegible]

[illegible] arms, and could not be come at otherwise: But I think this is a parallel case to that, if not [illegible] your enemies, to bring an invasion upon you, [illegible] a correspondency between one and the other, [illegible] being out of the reach of the common course [illegible] one witness is withdrawn? And I am very well satisfied, and I think we may presume it is by [illegible] sonable a ground for your bill, as any thing in [illegible] traordinary case, if this be not one: Is it not an extraordinary case, for a plot to be laid for [illegible] punish it another way? But it hath been said, [illegible] upon him: If we acquit him, we are to acquit [illegible]

ground whatsoever. Sir, since I am brought [illegible] has been hinted at, made out, I must go according to the law of my reason; and that is, that I must be for the bill.

[illegible] they please to make it; but I am sure they will ground it upon good reason; but I think [illegible] please, and give no reason at all; for it is only to say, I am convinced in my conscience this man is guilty; no matter upon what proof, no [illegible] company he keeps, or from his interest; and that may be argument enough to find a man guilty. But till I know a reason better [illegible]

[illegible] matter: I must confess I should not have trou- [illegible] been sufficiently argued; and I have not learn- [illegible] dinary occasions. Now I would be glad to [illegible] crime a man can be guilty of; and the charge [illegible] but I would be glad to know, whether there [illegible] attaint him upon high-treason upon that oc- [illegible] gone, gentlemen have said, they are apt to be- [illegible]

[illegible] bill of attainder? For the argument is, Whosoever is endeavouring to subvert the govern[illegible] are obliged, by virtue of your legislative power, [illegible] what then? Of what use is the great care and [illegible] where a crime is so great, and the punishment [illegible] that two witnesses is a form in your law, and a form in inferior courts. I never could believe that was a form; for according to your law, no [illegible] there be two witnesses against him; so that it gives, in a manner, a determination to the crime; that I take to be the case.—A gentle[illegible] read a deposition of a person that was absent, taken before a justice of peace, when the per[illegible] him; and likewise, that you have heard a wit[illegible] you, if you have not admitted of a testimony, [illegible] Hall, nor their forms. Is there any law in be[illegible] founded upon justice and common right, that nothing shall be brought against a man when a [illegible]

Then (being a little before eleven a-clock at [illegible] committed to a committee of the whole house.

Nov. 25. The house resolved into a com[illegible] the same? Sir John Fenwick is Guilty?—It [illegible]

[illegible]

Mr. *Methwen.* Mr Speaker, I have not [illegible] it unwillingly now: but I do think it every man's duty, in a case of this great importance, [illegible] that it is necessary to have them sometimes, [illegible] people.—I [illegible] general, that this bill, as every other, ought to [illegible] before you; and whoever gives his affirmative to this bill, ought to be convinced, that sir J. F. is guilty of high treason; and also, that there [illegible] I do think one of these is not sufficient alone. [illegible] had been no other reason for attainting sir J. F. only the defect of his evidence, I should not have thought it a sufficient reason, though we [illegible] formed of his particular evidence, and believed him guilty; and if sir J. F. does not appear guilty, I do not think any reason of state, though [illegible] the dissatisfaction of every body; therefore, I [illegible] heard the evidence; I shall not repeat it, but [illegible] J. F.'s case; only thus, you have received the evidence against sir J. F. and given him liberty [illegible] which I think hath altered the reason of a great [illegible] had of it; and I find, by the general opinion of all persons, this danger is not at an end. There [illegible] sir J. F. could have contributed to your safety by a discovery.—The next circumstance, That sir J. F. knowing of this, and the expectation [illegible] that now there is but one; and there is a vio-

great doubts raised; not so much whether it be

should hear in the capacity you are in; and

bill of attainder; this is a doubt that I find

in opinion about this bill; and therefore I de-

That you are trying of sir J. F.; that you are

Westminster-hall; *secundum allegata et pro-*

power, making a new law for the attainting of sir J. F.; and for exempting his particular case,

case, it quite puts us out of the method of trials,

hments, and it has always been so taken

ty, by the law of God. And I think, if it was

matter: that any man deserves to be punished.

deserves it, is because he is guilty of a crime,

that is allowed in all nations, no two nations

nations; not only that you are tried by a jury.

tion where the offences differ: there is a differ-

vict a man of treason: and the evidence to convict a man of the same crime, hath been

manner of trials below, I should be very unwil-

might not escape: and the laws are made for

happen usually; and your government hath

others cannot: for in a very wise government

and your posterity; and whilst that is used to

cent man, or a person whose guilt was doubted do agree it was a very ill precedent: but if the case be, that this precedent will appear to posterity, upon the truth of the thing, to be a precedent made of a man notoriously guilty; of a man that had deserved this extraordinary way of proceeding, this extraordinary resentment of the nation; and that nothing could have hindered this man from the common justice of the nation, but his having endeavoured to elude it in this matter; and if it appears that you would not be put off so, but made an example of this man, I shall not be sorry it should appear to posterity; but I believe posterity will (as I think they ought) thank you for it.—Sir, I do say for my own particular, while I am innocent, I should not think my life in danger to be judged by 500 English gentlemen, and the peerage of England, with the royal assent; and when I reflect, I can't be of opinion, that the government could have procured a parliament to have passed a bill of attainder against my lord Russel, or Mr. Cornish, or Mr. Colledge, I don't think all the power of the government could have prevailed with the parliament to have done it: and here I see that a great many gentlemen have opposed every step of this bill, for fear of making an ill precedent; yet those gentlemen do believe in their own consciences, that he is guilty; and I can't think that any person can be in danger by such a bill, when gentlemen oppose this bill only upon the precedent part, though they still confess him to be guilty.—All the conclusion I make to myself is, That I do believe, I am convinced in my conscience (which I think is sufficient, when I act in the capacity I now do) that sir J. F. is guilty: but there are reasons so extraordinary to support this bill of attainder, that I do not see how any person, that is so convinced, can refuse to give his affirmative to this bill.

Sir *Godfrey Copley.* Sir, I am very sensible a great deal hath been said upon this subject; but I think there is something in duty incumbent upon every man, especially upon one, who can't concur with the general sense of the house, to give my reasons for my disagreement; and I will make no use of arguments but such as I can't answer myself. A great deal hath been said upon this debate by gentlemen learned in the law: and many of these, though they have said they would not speak as to the power of parliaments, yet the greatest part of their arguments have turned upon your method of proceedings, and to shew you how they interfere with the rules of Westminster-hall; so great is the force of custom and education: but I acknowledge some have brought us arguments quite of another strain.—This is a matter of so extraordinary importance, that I think it proper to consider what rules we have to go by; but I take the punishment of offenders and criminals, to be the necessary support of all governments whatsoever, without which no government can continue; but all societies of men have proposed to themselves some rules, whereby it may be known, whether offenders are guilty or no. —It is the custom of our nation, to have two positive witnesses to prove [illegible] that they have passed, if they think good; and [illegible] conscience; and these, I think, are unalterable, [illegible] our proceedings are to these rules.—Sir, I do look upon it, that it is a rule agreeable to what I speak of, that no man shall be accused by he knows not whom; and that no man shall be [illegible] face.—I am one of those that believe sir J. F. to be guilty; and there is clear proof of it by one witness, [illegible] dictment that is found: but I must needs own, that I think that [illegible] that is brought in, I look upon the scales to [illegible] or writing that is sworn to behind a man's back, shall be brought here to supply [illegible] the evidence: (and if not so, why is it brought here?) and if [illegible] up a part of the evidence, I do, by parallel reason, argue, that the like may make up the whole at one time or another; and may be so far made use of, that any profligate knave, that gives information before a justice of peace, or a secretary of state, [illegible] ment; or a person may be accused for his good service in this reign, and thus may be set up [illegible] —Then, sir, as to the necessity of this matter, I must confess, that those that brought this matter before us, are much wiser than I: and therefore I will not examine what reason they had to do it: but it is so little agreeable to me, I wish it had not come here. But is it to be supposed, that your government is in hazard of any man that is fast in Newgate? Can any man think, that sir John Fenwick can do any thing in his condition to hazard it? Can you expect that a man that hath been six months in prison, [illegible] that he may [illegible] such a discovery as may be worth your while? but suppose you had a man of invention and practice, what a spur do you put to it? May not a man of parts, when he hath no other way to save himself, may not he frame such a plot, as may make the best subjects in England tremble?—Why then, sir, I do say, [illegible] in a very dangerous way to suffer by the invention of any man: and suppose he should be so ignorant, as to know nothing, [illegible] blockhead, to be able to invent nothing, would you hang him either for ignorance or insufficiency: I must confess, I dread the consequence [illegible] for the nation in general, and for our posterity. It is not sir John Fenwick's life I argue for: I do not think it worth a debate in [illegible] assembly; but I do say, if this method of pro- [illegible]

I heard it mentioned on the other side of the way, by an honourable person, who never lets [illegible] attainted a great number of persons in a cata- [illegible] but I am afraid of what shall be done here: I [illegible] ings, that it may not be a precedent to a future parliament in an ill reign, which I am satisfied you would not do. I had some other thoughts, which I cannot recollect, &c.

Mr. *Foley* (the Speaker's son). Sir, the worthy gentleman that spake first upon this debate calls me up: He said, that he thought in this matter, every one ought to give the reasons of his opinion: and in giving the reasons of my opinion, I do solemnly protest, I do it with the same sincerity as I would do, if I was upon my oath, and of a jury.—The worthy gentleman said, That if there could be any danger from [illegible] his me, he would not be for it. I desire that he would consider, whether there be almost any [illegible] dents that have begun upon guilty men. The same gentleman told you, that if we did not be- [illegible] the reason I am against this bill is, because it [illegible] hath been given at the bar, that sir J. F. is guilty. And I do think, that which is not legal evidence is no evidence: and I do think, that [illegible] be said to be necessary? I think the saying of [illegible] pilot was to direct a ship in a dangerous sea, and there was no buoy to direct his course, if [illegible] there was a buoy up, then he was accountable [illegible] many men have lost their lives by them: but [illegible] split upon these rocks, I shall think we are but [illegible] that sir J. F. was guilty: see the consequence of that, in things that I have as much believed as I do this, I have found myself mistaken.—When a jury [illegible]

[illegible] Case of sir J. F. only, and I not to give my vote, I reckon him so despicable, and because I believe him to be a traitor, and I think the worse [illegible] in custody, I should not concern myself about it. But when I speak against this bill, I speak [illegible] suffer by such a precedent as this. Those pre- [illegible] no evidence against him. If sir J. F. be to be [illegible] against him, any man in the world may; and then I think every man's life depends upon it, [illegible] der what a reverse of opinion this will be, to what former parliaments have given in cases of the like nature. I think if this bill does pass, [illegible] ger the government will be in, if this bill does not pass. I have as much zeal for this government as any man; but all the government is concerned, is, That a man that you think a traitor should live. And I do think the govern- [illegible] the other hand, I think the lives and liberties of the subjects of England are concerned; and, by [illegible] ties precarious.—I am not for bringing the blood of sir J. F. upon me, or my posterity; nor can I consent for to make a precedent, that a man [illegible] of sir J. F. was not worth the consideration of this assembly: I do differ from him in that. If the Scripture tells us, That the most insignificant [illegible] consideration, I think the life of a gentleman [illegible] tleman that spake last, told us, That he did believe in his conscience sir J. F. to be guilty: [illegible] taken now. I hope gentlemen will not press an [illegible] that are only mistakes: I do agree, that any man may be mistaken in a thing which at that [illegible] end of all religion and law; and it shakes the foundation of the most certain belief a man can [illegible] swer some arguments; and therefore I desire [illegible] care, as near as I can, not to trouble you with any thing I have said upon this subject.—I can't [illegible] that he believes him criminal; which does somewhat astonish me: I hope they will explain themselves a little. But to the point: as to sir J. F.'s case, I did take the liberty in a for[illegible] a tyrannical and foreign power upon you. But [illegible] then, because I thought what I said carried so great weight, it needed it not: I do say, not [illegible] but I will say, as a man of honour, that he hath acted contrary to the rules of honour. I think sir J. F. had made a much better figure, if he [illegible] in this manner.—Sir, I have only one thing more that I desire to speak to; for what I say is [illegible] I say, most gentlemen have likewise owned, [illegible] pears to me, I do think, if ever there was an [illegible] upon your resolution to-day. A great deal of [illegible] sir J. F. is in hold; I take that to be nothing. [illegible] your hand. And if you think it a trifling mat[illegible] man knows a great deal that he hath never had [illegible]

[illegible] I say, though you keep him in hold, it will [illegible] in buying of arms, &c. I think, the matter be[illegible] you, that I deal with sir J. F. with the same candour and honour, as I shall always desire to [illegible] put upon sir J. F.; I did say, that sir J. F. considered in his single capacity, I did not [illegible]

Sir *Ch. Cartwright.* I think this bill is of [illegible] sidered before it passes; for when it is passed, [illegible] quence which may attend it: there is so much roguery in the world, I think it hard matter to arrive at the truth. It is not long ago there [illegible] ningly contrived, That if a bill of attainder had [illegible] ter, before the truth had been discovered, I do [illegible] It may be true, that there was such a meeting [illegible] sir J. F. might not be there; and I do not [illegible] cannot give my consent to this bill.

[illegible] I was willing to take all the opportunities I [illegible] only not common, but unprecedented; and as we are all in this matter judges, so I hope we shall apply ourselves to consider of it with that temper, as may lead us to give a right judg[illegible]

[illegible]

hath been the affirmation of a single witness at the bar; indeed other things have been al-

[illegible]

look like pepper and salt to me; for in them-

[illegible]

—As to the Evidence; first, capt. Porter tells

[illegible]

proved; for the witness that told you of those

[illegible]

Westminster-Hall, I am so young a member, I

[illegible]

liament, that I may in some measure make

[illegible]

the other day, to a gentleman, that he said

[illegible]

made us a challenge, to shew him where it was

[illegible]

pended upon it: and the Jews, when they pro-

[illegible]

which, I must confess, I declare I am very far

[illegible]

with us: but, I think, they must lay a great

[illegible]

is a necessity for it; the plot will be lost else, say some; sir J. F. says others, will escape

[illegible]

manner, to take off a person against whom

[illegible]

interpose, in an extraordinary manner, to take

[illegible]

posterity: if he had any security this might be

[illegible]

vernment; and the reason is, because upon

[illegible]

this person; there hath been care taken he

[illegible]

If I thought there was a hazard to the govern-

[illegible]

but taking away this gentleman's life; such a

[illegible]

be of opinion, that a man of sir John Fen-

[illegible]

deed, is a gentleman by birth, and hath a gentleman's fortune, but is now in a great measure without his estate; so his fortune cannot

[illegible]

upon the dangerousness of the precedent: I do

[illegible]

cannot come up to be for this bill. I would

[illegible]

an ill parliament will not want a precedent but

[illegible]

Sir, this is a matter I would not have presumed to have troubled you in: for I cannot think any thing I can say, will have any weight with any one that is not of my opinion: but as an Englishman, as I have the honour to be of this house, when a thing of this nature comes be-[illegible]e us, and I am to give my opinion as a judge

[illegible]

opinion. I think this bill is unprecedented;

[illegible]

[illegible] repent what we do; and therefore I am against this [illegible]

Sir *Wm. Strickland.* Sir, I do assure you, I [illegible] judgment; but I do think, and I think few deny it, I do think in my conscience that sir J. F. is guilty; and thinking so, I ought to condemn [illegible] gentleman for want of form, as they call it, now we are in our legislative capacity, and there [illegible] ple, by thinking they might avoid punishment [illegible] Westminster-Hall [illegible] have the like imagination against his majesty, and they should take effect; I should think myself in a great measure guilty of that misfortune. I think the kingdom is concerned, and the king's preservation, in this bill; and I hope you will pass it.

Mr. *Dolben.* I am against passing of this Bill; and I shall, with as much brevity as I can, lay before you my reasons [illegible] against it; and probably I should not have troubled the house with them, but that I think it necessary to justify my opinion in a case of this importance. I do admit that the fact that is alledged upon sir J. F. is an overt-act of High-Treason, within the 25th of Edw. 3, though I must take leave to say, that a judgment upon a case, at least as strong as this, has lately been very much arraigned and controverted: but it is not my intent to dispute [illegible] this kingdom with foreign forces, is an overt-act of compassing the death of the king; and I do think this charge does amount to such an overt-act. But I beg leave to reflect, how [illegible] tention of that statute; indeed, that they are [illegible] ment, there is no doubt. Sir, that the statute doth first enumerate several species or branches of [illegible] 'other case supposed Treason, not specified [illegible] 'the justices shall tarry without any going to 'judgment of the Treason till the cause be [illegible] 'parliament, whether it ought to be judged 'Treason or Felony.' Now, Sir, with submission, this is a great argument, that the inten- [illegible] and judgment of the parliament, who are only a match for powerful offenders, whom the [illegible] tion of the makers of the act, so I think the [illegible] institution; for I know of but one single instance of any one that ever was attainted by bill for any Treason that is contained under [illegible] reach of the law, in open rebellion, or fled from justice; in these cases the parliament have thought fit to attaint them; as in the [illegible] made an escape out of the Tower; and the [illegible] bellion: but I say, that I have not found in my reading, upon the best search I could make, where any that were in custody were attainted [illegible] that was the case of Ferham; but I think there is no precedent of any man, who is not only in [illegible] country for his trial: and the person accused was to be convicted, or acquitted, by the verdict of twelve men; I never heard of any instance, when after all this proceeding a person [illegible] benefit of the judgment of his peers, and the benefit of his challengers, and destroyed, and [illegible] pose, *ex post facto:* I never met with any instance [illegible] unless it be that of my lord Strafford; and I believe nobody will cite that, if they reflect upon the preamble of the act [illegible] amble, it is said, That the turbulent party did [illegible] condemn him. This shews the opinion of our predecessors in relation to proceedings of this [illegible] ments, as well as other courts, must be govern[illegible] Roger Mortimer was attainted, and [illegible] dom. Ferham's, that I mentioned before; and declared for the future, that it should be, &c.— [illegible] Haxey; but that was reversed, and declared to [illegible] ders of H. 8's time; I shall not particularize them; but besides that, all the history of those [illegible] is the statute of 1 Edw. 6, c. 12, seems directly [illegible] ding reign; for it says, that the proceedings in a general law, and to extend to all convictions; to be against it.

there is no transgression; a man that is guilty, [illegible] nesses; and here it appears that you have not [illegible] it shall be so proved: Then if you pass this [illegible] witnesses, and there is divine authority for it too: It hath been hinted at, the place in Numbers, 'No man is to die upon single evidence;' and it says, 'These are the statutes you shall 'observe throughout your generations and 'dwellings.' But I will go a little further, because a worthy gentleman declared, there was [illegible] of Deuteronomy, a case just as it is here; for [illegible] time: and the law says, 'Whosoever shall set 'up idols, shall be stoned to death;' but it says 'No man shall be condemned to die by the 'mouth of one witness, but by two or three 'witnesses he shall suffer:' I think this is positive enough. I shall not trouble you with more instances, though I could repeat several.—[illegible] least circumstance: If a man be condemn- [illegible] another take away the life of that man, it is murder. I will go further: If the officer that is to do execution, if a man be condemned [illegible] ficer shot him, it is murder in him; so that men are not left to a discretionary power to act according to their consciences.—I take the reason by which this bill is supported, to be destructive to all human society; for if that be admitted, that a man shall act according to his conscience, and not according to the rules that are prescribed him, I know not who is safe. [illegible] upon that principle? It is a safe consideration for [illegible] judging, because they are bound by no rules [illegible] mory! Felton, that killed the duke of Buck- [illegible] persuaded in conscience he did well in so doing? Ravillac, that killed Hen. 4 in France, he [illegible] lainy of the last age, and I am afraid hath [illegible] this.—For if this be a rule to this house, how is the king bound? I thought he had been bound by law; but if this shall be admitted as an argument, it is enough to say, if this house be arbitrary, the king is. I do not reflect upon this reign; but it will be enough to say, though he act against law, and turn twenty colleges out of doors, his conscience persuades him to it. [illegible] and I would be very loth for my estate to depend upon the feeble tenure of a lord's con- [illegible] thority and power: Sir, I would have been glad [illegible] this authority and power of parliament; I wish [illegible] abusing your coin; I wish it could be exerted, [illegible] countenance of an act of parliament; but contrary to that, you are fond of being sprinkled [illegible] might run secure in their veins, and not be tapt upon every occasion to serve a turn; for if [illegible] if this bill does not pass; sir J. F. may live in [illegible] against the law of God; against the law of the land; it does contribute to the subversion of the constitution, and to the subversion of all government; for if there be rules to be ob- [illegible] rules, you destroy the government; and therefore, for these considerations, nobody will think it strange, if I give my negative to this bill.

Mr. *Chanc. of the Excheq.* Sir, the gentleman [illegible] this bill a little further than some others; for it seems now, we are not to reject the bill for [illegible] ster-hall, but it seems there is no evidence at [illegible] and yet drudging for his pardon; as to all that [illegible] house upon this bill. I think if the house re- [illegible] further than many mean that oppose it.—Ano- [illegible] tions that I have upon my judgment, and of [illegible] of two or three mad men; whereas we go according to the evidence brought at the bar; we don't go upon the whimsies of Ravillac and [illegible] made here; and though there are not two witnesses, yet upon what appears in proof, I am convinced that he is guilty; and upon that conviction, I think, according to the duty I owe my country, and the constitution of England, when a bill does come to punish the man whom I think guilty, I think I ought to be for the bill. As to what is said out of Deuterono- [illegible] will argue *a fortiori*, it is literally true in the case of murder; but whether murder or treason, there is the life of a man concerned; and [illegible] great difference; and give me leave to say, [illegible]

[illegible] reason you may desire leave to bring in a bill [illegible]

[illegible] time? If it be the eternal law, that there must be two witnesses, why does it not hold in England even in some cases of treason to this day; I mean the treason of clipping and coining? [illegible]

[illegible] try; and I may affirm, That there never was any government in which there was not a [illegible]

[illegible] of prosecution.—I don't care to travel into the [illegible] is; but I believe there is not one place in Eu- [illegible]

[illegible] of a man; but it is generally so as it is here in all ordinary cases, but in this very law; this [illegible] you have a proviso in it does absolutely exempt proceedings in parliament: I do not infer from [illegible] think you ought; and so for having witnesses upon oath, &c. When these proceedings are in parliament, there is a direct proviso, by [illegible] rules. Upon the whole matter, I think this man is guilty; I think the precedent would be more fatal, to say, that a parliament can't pro- [illegible] should suffer. I think this bill comes before you with more circumstances and reason to [illegible] here before; here is a bill found against him [illegible] firmed by a jury, &c.—A learned gentleman [illegible] evidence; but can't come up to make such a [illegible] something particular in this case, a man that [illegible] crime. And therefore I shall conclude; but I must take notice of one thing: It was [illegible] of Monmouth: But I believe, if this bill of at- [illegible] but to be brought in at all; for I believe there is a statute, That the life of a commoner is [illegible]

I will not trouble you any further; I do [illegible] and therefore I am for this bill.

Mr. *Pelham.* I did not think to have troubled you this day: I did rather intend to [illegible] have not spoken upon this subject; but that [illegible] of God upon this occasion, did it as if we did [illegible] day: I never thought any such thing, other- [illegible] tends to the clearing of an innocent man; and [illegible] apostles, at least approved of by them; and [illegible] land likewise; I do not think this is a fit occa- [illegible] that is: And I conclude with this, That I can't [illegible] posterity, if I passed sentence upon sir J. F.'s [illegible] requires.

Sir *H. Crofts.* I shall endeavour, as much as I can, to give you little trouble in this mat- [illegible] marked so particularly upon me, I must beg [illegible]

Sir, I do very much forget myself, if I did [illegible] that I said, was this, That if any gentleman [illegible] should be glad to see it. I do say, that the scripture shall be a rule to me, as far as the scripture requires; but I do take the Jewish [illegible] bers, that very text of scripture is particularly and literally applicable to murder; and if that [illegible] guided by our predecessors, and I think we are [illegible] by our consciences; truly, I don't know what [illegible] upon the proceedings of parliament; and if you shall subject yourselves to them, you give the lawyers such a power, that I don't doubt, but their books will be of greater authority than your journals; therefore, in consideration of that, and because I would leave that which is [illegible] of parliaments to my successors, I shall not submit to that.—Therefore, I say, I come clear to the point, whether sir J. F. be guilty or not; only I must observe a little back, that [illegible] instances that the worthy gentleman was [illegible] to make use of, of R[illegible] and of Felton; shall those extraordinary cases, that which men did in heat of blood and private malice: shall these be brought to bear a parallel with what is done in parliament for the justice of the nation? I don't doubt but there are men enough, in their consciences, at least with pretence of it, will justify the destruction of your government and religion, and every thing else: All those men that deny the right of [illegible] justice enough to subvert it, if they could; and [illegible] men without doors have argued in that nature.—But I say, my conscience is the rule I must go by; and to me the question is only, whether sir J. F. be guilty or not guilty, and am called to give my judgment in it; and I think I am bound by the law of nature, by the law of the nation, and I see nothing in the law of God [illegible] according to the evidence, and the opinion I have in [illegible] upon me; if, I may go upon one witness; if I [illegible] guilty; then I am bound to act for the preser-[illegible] a matter as some represent it; it is not the [illegible] are to consider; and we are not to let men es-[illegible] or their smallness, but according to the nature of the fact, and their guilt. I think I have that freedom, and I am so little bound by those rules [illegible] if I did not believe him to be guilty, I would lose my life rather than vote him so; but, on the [illegible] inferior courts, I will not subject the freedom of parliaments to those rules.—Sir, you have been told formerly, and I think it a matter of that weight, I beg leave to urge it again, because it is a great reason that guides me in this matter; if you lay it down for a doctrine in this house (for a resolution here taken is as much a rule as a law, for it shall be brought as a precedent;) and therefore, if it shall be laid down as a rule here, that you will never attaint any man, or find him guilty, but upon two witnesses, I think the government, and all you have, [illegible] be a very ordinary statesman, that can't lay his plots so, as you shan't reach him by two witnesses.—Therefore, I say, I think it becomes the wisdom of parliament, not to declare themselves bound in that respect; I would have them bound by justice, but not by the common rule of the law.

Sir *Robert Colton.* Sir, I do find that gentlemen do very much insist in this case, that if a gentleman does believe that sir J. F. is guilty, he must give his vote for the passing of this bill: If that be so, I am glad that opinion did not take place in the last reign; if it had, I am of opinion I should not have been here now, and I believe my lord Warrington, who was very [illegible] instrumental in promoting this revolution, would not have been in his bed. My lord and I were accused of a crime, which, I believe, if [illegible] I have heard some gentlemen say in this house, [illegible] my lord W[illegible] though I was not guilty of the [illegible] laid). There was a man swore, &c. and there was some corroborating evidence [illegible] Mr. Fley, and myself, there was none but this particular person, and they [illegible] demeanor; though it would have been treason, [illegible] proved [illegible] thing; we are going, after the fact committed, [illegible] I [illegible]

Lord *Norreys.* Sir, though I had always an [illegible] yet never so much as now; for this gentleman [illegible] all that I have heard before; for he says, there are a great many men, if they may proceed ac-[illegible] their consciences will subvert [illegible] you, [illegible] justify the like for the future. I am sure I am very unwilling to make a precedent that shall justify men in such ill actions, in saying their [illegible]

Then a question was put for bringing in [illegible] and they were brought in.

Mr. *Hamond.* I don't think the power of parliaments in question in this case; but then, [illegible] justice, and never used but upon extraordinary [illegible] is not lessened, if this bill does not pass: But the question is, Whether this power shall be [illegible] law of the land: If it be to be admitted in the [illegible]

[illegible]

took up in declaring against the evidence of [illegible]

me, that I have very great ground of suspicion, [illegible]

this particular case, or say, this is a case where- [illegible]

ice, I believe it will give a great blow to the [illegible]

Mr. *Vernon.* Sir, I rise up only upon what [illegible] for I did not think to trouble you with any thing of that nature. But if you will give me leave to acquaint you with what I believe who [illegible] and much oftner. Sir, he does tell me, that he [illegible] against sir J. F. and himself, concerning the [illegible] hath a very particular remembrance of it: And [illegible] he would satisfy him, I believe, in that point. And since I am up, I think every man that speaks upon this occasion, should likewise give some account of himself, in what manner, and [illegible] here: I hope I may use that word, since gentlemen make use of conscience for his acquittal; and a man ought to have a very good consci- [illegible] innocence, I wish he had given no occasion to have it called in question: And since he did fall under this accusation, I wish he, or his counsel for him, would have taken some pains [illegible] don't find the question is, Whether sir J. F. is [illegible] his guilt? And I shall tell you, in short, my opinion of that: I take the proof of the fact to be, in general, such a demonstration, as the nature of the thing is capable of; and that is sufficient, and capable to convince a reasonable, honest, unprejudiced man, of the truth of what [illegible] proved, I think him guilty, because it is proved; [illegible]

Mr. *Bromley Warr.* Some gentlemen have spoke of the power of parliaments; but I shall [illegible] bounds. But the more just and honourable it ought to be in its proceedings, to give an ex- [illegible] hath been often censured and condemned; and [illegible] 'sumus.' It is certain, here is a defect of legal evidence: We are not tied here to the forms of Westminster-Hall; but certainly with sub- [illegible] same, is not mutable, and ought to be universal. [illegible] be convicted in cases of treason, but upon two witnesses; the law of God is the same. How- [illegible] quiesce; and there is no disputing of your [illegible] ment requires the passing of this bill; which I [illegible] the government is in danger: Though I must [illegible]

—It does not appear to me, that sir J. F.'s life [illegible] have been told of a design that he hath been [illegible] an invasion from France seems to threaten us [illegible] J. F. should have any great share in any that is carrying on at present: And, as far as I can learn, he is not so considerable a man in his [illegible] us no thanks. It is not a good way of arguing; but, I believe, if those look forward, they will [illegible] said, that the late king James, by the assistance [illegible]

That there is never a gentleman in this house, [illegible]

—Upon the whole matter, I do not think you have any occasion to exert a power, that nobody denies: I see no security this will be to [illegible] of it. I think you are making a most dangerous precedent, and that it will be of ill consequence to you; and therefore I am against this bill.

Mr. *South.* Sir, I will be as short as I can; [illegible] this day's debate, I should not have troubled you. [illegible] been criminal in the last reign: how that came [illegible] I shall not now entertain you; but I believe [illegible] pretty well. But I take the matter before you [illegible] exert the legislative power?—I shall not enter [illegible] my province; but I have read some: however, [illegible] of them may be worse than the first bringing [illegible] dence; I cannot but observe one thing, that seems this day extraordinary: we are told by some gentlemen they are against our proceeding upon this bill, because it does not quadrate to the rules of Westminster-Hall; and at the [illegible] ceptions here against that evidence that Westminster-Hall has allowed: that they should take [illegible] England allows to be good! For it is notorious, [illegible] cent, as to have denied it. And I think there is a further strengthening of his evidence; for [illegible] matter of the other evidence, sir, I do not say, [illegible] ster-Hall; but at the same time, give me leave [illegible] tion; but I think thus far I may say, That when you sent some of your members to examine sir J. Friend, he did own all those persons to be at that place: and that is a much better argument for the validity of Goodman's testimony. But as to the matter before you, some gentlemen have made it a question, whether sir J. Fenwick be so considerable a man, [illegible] do it; yet at the same time, they tell you this [illegible] wish it was: but when a conspiracy hath been [illegible] artifice in the world, all the endeavours in the world, by sir J. F.'s friends, to remove Goodman out of the way; it is some argument that [illegible] see prisons broke open daily; we have known persons murdered in the streets for giving evi[illegible] worth: you have plots all about you; and yet [illegible] of this extraordinary power?—I would have as great a conviction upon my conscience as I could; but it is very hard a man must throw his conscience aside in the case: it is very hard [illegible] duced, though I don't believe the witnesses, yet I am safe if I condemn the man; and if there [illegible] though I believe him to be guilty.—And though [illegible] tell you there have been very extraordinary things done, even by God himself, for the preserving a community.—And there is the reason of it, that one witness may take away a man's [illegible] my standing up: a gentleman said, truly, it seemed to him to be a better way to put an [illegible] than the conviction of sir J. F. would be.—[illegible] brought them to a sense of their duty; and we [illegible] demnity. Sir, I do heartily, according to my conscience, vote for this Bill.

Mr. *Harcourt.* Sir, I am sensible it is very difficult to say any thing, and not seem tedious at this time of night; but I take it to be my duty not to be silent in this matter. All the arguments that I remember have been made use of in any former debate, or in this day's, may be reduced, in short, to these two heads; [illegible] worth his while so to do) I will be his proselyte, and vote for this bill: but to tell me, the government is in danger, and that the fate of England [illegible] rather offered to amuse, than to convince.—It [illegible] sir J. F. is to admit of any danger to the government, which hath power [illegible] during his life? A man, by the account I have [illegible] ger; and to say the government is in danger

ent making. I will not argue it from the case

and others, murders. Ask the jury; no doubt

where there is proof? Such a practice, I am

man that began the debate; and I beg leave to

ments for it; and those we send up to the house of lords for the passing of this bill: and first, it says, That sir J. F. was indicted by the

that he pretended to make; but it does not say

great inducement to bring this bill in: it was

gentleman in the case of his life: I say, if any

whether it be true or false: it is one thing to give a vote to clear a gentleman's reputation,

that is all I am satisfied in: and supposing the

matter of the Amendment made at the com-

ciful, then it won't expose a man to such great

nesses is, 1 Edw. 6. The next is 5 Edw. 6. And

parliament, without hearing of him; and that

tioned, in the 5 Edw. 6. and to secure, that

generation has that law always had in all reigns, though a multitude of conspiracies have happened in them all. I do not think it so

there should be two witnesses. A gentleman

fore the statute of Ed. 6.? Sir, the statute of

tainted, shall be 'provablement attaint;' and this. But certainly the reason is the same. It [illegible] the same persons [illegible] case, give their judgment in the other; but in [illegible] cused.—I shall add no more, but that we are making a precedent, which can't be made [illegible]

[illegible] As to the evidence you have [illegible] one witness against a man whether he was [illegible] are made certainly to provide, that in no case whatsoever, a man should be so much [illegible] cular evidence before you; what hath been observed here, is a good objection in the courts below. I do not say it does disable a man [illegible] doned; but he is not so good an evidence as if he was pardoned; but that I stand upon is this: shall you come here, and make a prece- [illegible] Will you make a precedent in parliament, that at any time they may bring in a bill here, and judge a man to death for treason upon no evi- [illegible] precedent you will make: there is nothing that [illegible] is not in this bill. All mankind must perceive, [illegible] as I have told you: and whatever any man's [illegible] vern you. Then this is a law *ex post facto*, and that hath always been condemned; you [illegible] Sir, this is, besides making a law in a particular [illegible] the right that every subject has: it is making a law to hang a man without a trial; it is making a law here, that was introduced here upon a [illegible] said, That they did not seek his blood; and if that be the secret inducement in this case, it is a dangerous precedent. The earl of Exeter, [illegible] reason for reversing any act of parliament; they [illegible] of it; I can't imagine any thing that hath been said to you upon that, is a ground for this bill. [illegible] vindication, and it was not transmitted to you [illegible] let you have them; but if it had been a thing [illegible] that the government [illegible] transmitted only at the request of a private gentleman, [illegible] the plot may go on still: pray if this gentleman be cut off, does that cure it? You are secure of him now, that he can't act in it; so that I have [illegible] that the government would be in less danger if this gentleman was cut off.—Sir, we are told here of going according to our consciences; give me leave to say to you what was instanced in the other day: that in the worst of times, when they did not stick at murdering of the [illegible] allow any man to suffer upon one witness; and [illegible] lord Mordaunt; and my lord Mordaunt saved [illegible] He owned it before this house; and yet he was [illegible] late this law; so that I think there is no necessity for making such a precedent, and I [illegible]

Mr. *Boscawen.* I have observed upon this debate that some persons deny that it is justifi- [illegible] parliaments; but at the same time say, they [illegible] or bill of attainder: I think him much out of [illegible] you don't use your legislative power in that.—A worthy friend of mine said, he had [illegible] right. That might be so; and if there was any [illegible] be of the more favourable side; but I take it, [illegible] when they charge a jury with a prisoner, one [illegible] fled for it or no? It is notorious, that sir J. F. [illegible] guilt. Another is, that he was here at the bar, [illegible] guilty; and when he does not deny it, this is [illegible] unjust; it hath been as notorious, that the ver- [illegible] I will instance in two or three. The first I be- [illegible]

[illegible] fact, for he confessed it; but there was a pow- [illegible] mated in queen Elizabeth's time; and they [illegible] reversed. And I think, as this matter stands [illegible] evidence they have heard, that he is guilty; but [illegible] innocent. Now I desire to know, whether [illegible] judge whether there be sufficient evidence? I [illegible] convict him in Westminster-Hall; but there is [illegible] persons that died, who owned the same thing: [illegible] confessed it to persons sent from this house; [illegible] a conspiracy; and sir Wm. Parkyns acknow- [illegible] invited over: is this nothing for the legislative [illegible] you set up a land-mark, that others may take [illegible] you will give advantage to your enemies; when they shall see a man that is so notoriously concerned in calling in a French [illegible] the precedent? When a person in the like nature, that hath fled for it, that does not deny it; when living persons confess it, and dying persons confirm it, then there will be danger in [illegible] does not believe him to be guilty; and it is [illegible] every one think him guilty; and I think no man [illegible] was here, he would not be so much; and yet [illegible] you will give your enemies a great advantage, if you acquit him; and if you condemn him, [illegible]

Mr. *Cowper*. Sir, being concerned in prosecutions of this nature without doors, I have [illegible] vote as a judge, I shall crave leave to give my sense of this matter.—I would beg leave, in the first place, to make use of a distinction, which, I think, will serve to answer several of the arguments that have been made use of: I think there are two things to be considered: first, [illegible] which, I think, before God and man, I ought [illegible] are here in a proper method and course of pro- [illegible] hath protracted his trial: no, you have con- [illegible] Treason, manifestly proved against him: then [illegible] High-Treason? No; but when a man is guilty [illegible] country, hath protracted his trial till one of the [illegible] tended to have a reserve, which he would make [illegible] sets the justice of his country at defiance. [illegible]

Sir, I would beg leave, in a few words, to take notice of a few things said in this matter: [illegible] so. It is true, there hath been a very bad use [illegible] Must we have no such things as justice? Must [illegible] of honest men? I am not afraid of what use posterity will make of it; if there come times [illegible] more justify those proceedings; nay, this may protect the innocent. If a bill come to be [illegible] crime, which is not in mine: he would have introduced a foreign army, and afterwards [illegible] abuse the king, and creating a jealousy be- [illegible] dence; which I think is a mistake: and, say [illegible]

[illegible] not a legal evidence. With submission, that is a mistake; before 1 Ed. 6, one witness was a good evidence in High-Treason; but there was [illegible] that time; but neither the first nor the 5th Ed. 6. [illegible] to the high-court of parliament; so that for [illegible] corroborated by circumstances, as this case is, [illegible] legal evidence below; yet with submission, it is a legal evidence in parliament, even according [illegible] hath made two witnesses requisite in this case; so that it is a convincing evidence: I think it [illegible] it convinces me, that I cannot resist the belief of it, I must be for this bill, notwithstanding [illegible] endeavouring to explode conscience as a rule not [illegible] discretionary power to execute a man according to [illegible] and more legal, and discretionary power in the [illegible] than a sedate, well-informed conscience? Below, when a legal evidence is given, yet the [illegible] bate, by a member of great reputation, that [illegible] fit to pass it. Some gentlemen have set a great weight, or rather mistaken the argument: say [illegible]

[illegible] but when I have heard proof, that he is guilty [illegible] he deserves to die; unless he will merit his life by a discovery of what he knows. I think [illegible] laid. I think you are in a proper method, and perhaps may have a better issue of this [illegible] owes to the [illegible] country.

Mr. *Pagat.* Sir, I cannot believe but I [illegible] But, sir, since I did take the liberty to give my opinion, why I was against this bill before; I [illegible] I have yet heard. And that I may the better give you my reasons, I shall, as well as I can [illegible] high court of parliament, [illegible] of these arguments; since gentlemen, much more experienced in rules [illegible] not think fit to deliver their private opinion, [illegible] posed to have, I shall not say any thing to that.

As to the arguments, of what evidence will be sufficient to adjudge a man to death in this house; I confess, I shall at all times be very careful how I give my opinion in matters of life and death; because I think the greatest caution is to be used in that case: and for this reason, I cannot consent to give my opinion in [illegible] of the house, it is not in favour to sir J. F. [illegible] fear of ushering in a precedent, that may be made use of against a better man.—I confess, here is a worthy member that spake last, said something in his argument that hath some [illegible] neral debate of the house, that the parliament [illegible] themselves; but I have a great regard for his opinion: but if he says true, the evidence be [illegible]

[illegible] ment: but I think, truly, if they may be pre- [illegible]

[illegible] cases of Treason, should be a rule to them: [illegible]

[illegible] the case, I shall speak tenderly of it; for I do [illegible]

[illegible] bill: I think as the crime is to be distinguished from all others, as being a more than ordinary crime, so I think the person that is concerned, must be extraordinary: and I think, with sub- [illegible]

[illegible] you cannot come at a man being at the head of [illegible]

[illegible] bill of attainder; but I think it is not to be [illegible]

[illegible] reason; I suppose it was because he gave some assurance of his confession; truly, I have [illegible]

[illegible] and purposes, I do think truly: but the liberty [illegible]

[illegible] convince me, that I ought to give judgment [illegible]

Mr. *Sloane.* Sir, I hardly thought I should [illegible]

[illegible] seems to extenuate the fault of sir J. F.; and [illegible]

[illegible] principals, but only an accessary: there is no [illegible]

[illegible] my reasons why I was for this Bill; and yet I [illegible]

[illegible] tleman said I answered myself; but I will [illegible]

[illegible] I did say then, sir, and do so again, that I do [illegible]

[illegible] to provoke you to pass this bill; and I do [illegible]

[illegible] a blemish upon his confession. Another thing I put out of the case, that he is a man so dan- [illegible]

[illegible] person, interest and friends, he is not so; and would not have that be a motive for the pass- [illegible]

[illegible] ceedings? then I will say, we have great reason [illegible]

[illegible] make this a precedent! But pray turn the [illegible]

[illegible] will be: that here is a gentleman that every body of the house does believe guilty; that he hath been in a conspiracy to bring in the French, and depose the king; and the man came before [illegible]

[illegible] will be the precedent on the other side? It [illegible]

[illegible] g at them, even by the parliament themselves: [illegible]

[illegible] to that which is the question: It is allowed by every body, you may do what you please; but [illegible]

[illegible] three points: That the fact is treason; That he is plainly guilty; and that we have a plain jurisdiction in this case, in the ordinary methods [illegible]

[illegible] spiring and consulting to bring in a French [illegible]

[illegible] overt-act, is not treason; but I affirm the con- [illegible]

[illegible] his part upon it at the trial of Mr. Cook; for he offered it at first, but afterwards he deserted it, as a thing he could not stand upon; for it is the opinion of all the judges, upon a late resolu- [illegible] act *ex post facto*. We are not making that treason which was not so, but we are only judging of the fact that was treason before; though if it was a doubt whether it was treason or no, the parliament hath a power by 25 Edw. 3, to judge that treason, that the courts below have no power of.—The next thing is, Whether there be sufficient evidence of his treason before us? I will put it out of the case, as no conclusive evidence at all, what Goodman hath said upon his own knowledge (that there was such a witness that did and could swear such a thing, and that he was examined before the jury); and this I will take upon me to say (and I will give my reason for my opinion), That the parliament is not obliged to two witnesses by any law now in being.—It hath been told you, That from the time of Edw. 3. one witness was sufficient till the statute of Edw. 6. Now I will prove to you, from the statute of Phil. and Mary, That by the common law, and all the time between the reign of Edw. 3. and Edw. 6. one witness was sufficient for this treason. For that statute of Phil. and Mary does say, that any person that shall bring from beyond sea any false and counterfeit coin, or be accused of any [illegible] any evidence concerning the impairing, counterfeiting, or forging of any coin current within this realm, shall, and may be arrested, arraigned, convicted, or attainted by such-like evidence, and in such-like manner as was accustomed before the first year of King Ed. 6. Now, what was the reason of that statute before the statute of Ed. 6? These counterfeits were to be tried by one witness; and therefore at this day all the counterfeiters and utterers of false coin have been attainted by one witness. It is said again, That there is the law of nations, and the law of God to the contrary. Gentlemen have said several times already, That in murder and felony one witness is sufficient; which, saving some little [illegible] forfeiture and attainder of the blood, is the same punishment. We are not in the land where that law was in force; for by that law, as to common felons, there was a restitution only: But I would put a gentleman that sits by the bar this case; By the same law of Deuteronomy and Numbers, that he hath quoted, adultery is death. Would you be contented that it should be so here? They are either all of them in force, or none of them in force.—I do say, That by the statute of Ed. 3. and ever after, till the statute of Ed. 6. one witness was sufficient to convict any man of treason. And I do say, That the statutes of Ed. 6. do not preclude the parliament in any method of proceedings.—The statute says, That no man shall be indicted, &c. nor shall they proceed upon such indictment. From which words in the statute, I do plainly make it appear to any gentleman that will read it, it is confined only to the courts of Westminster-Hall: For certainly, you can't call a bill of attainder to be a proceeding upon an indictment. What I say, is only to discharge my own conscience, and to salve the tender consciences of them that hear me; and therefore, I desire them never to say, That there ought to be two witnesses, before they answer what I have said upon that statute.—Then, sir, you have need but of one Witness, and you have had captain Porter, before you; who, I think, notwithstanding all that hath been said, is a credible witness. A gentleman made some objections to his credit, and told you, he was not to be believed, because he was in the same conspiracy, and had been drawn in to a villainous action: But, sir, the same gentlemen hath often confined you to the rules of Westminster-hall, and he hath told you, It is a wrong place here, and that a man has not so good a trial here as in Westminster-Hall. Why? the thing that was spoken of, of his being concerned in the Assassination, and of his being a fellow-conspirator with them, which is now urged as an objection before you, is no objection in Westminster-Hall.—I would only take notice of another objection this gentleman made to the witness, which he said he had from the bar, which was, That captain Porter was [illegible] parliament, and he was now [illegible] his pardon: But that is so far from what ought to be approved, that he that said it ought to be reprimanded for it. He made another objection against his being a good witness, and compared it to the case of an hundredor: but he did not remember, that the man that was robbed is a good witness; and the reason is, because of the necessity of the thing, and that no other can be; and the defendant in an hundred can't be a witness, because there may be others; and that is the reason of this case.—And for the predecents in R. 3rd's and Hen. 4th's time, no gentlemen can insist upon them, considering the differences of the crown, and the one attainted the other: and they were not reversed upon the point of jurisdiction, but because of the different rights of the kings, and as to what is pretended to answer the case of the Regicides; they were not left to the law, I mean such as were actually tried before the parliament; but the parliament passed different judgment on them; and some of them were in custody. What was told you of Cromwell's case and others, they go upon the same reason, that they were not heard, though they were in custody.

Col. *Wharton*. A gentleman lately told you, We had lately passed an act for trials in cases of treason, and now we are in this proceeding, about doing something that is contrary to it. That is a thing that would stick with me, if I could not answer it; but I appeal to every gentleman in this House, whether that act hath any sort of relation to trials in parliament; for that is only to direct the courts in Westminster-Hall. I have only this to say; I think the evidence very full before you. I think you have had one very good witness, and the counsel for the prisoner had liberty to confront him: If he had not been guilty, the prisoner and his counsel would have denied it: I am convinced of the truth of it, and my conscience is to make a judgment upon it, and that is all we can [illegible]

Mr. Jefferys. A worthy gentleman of the [illegible]

[illegible] dents to justify our proceedings; and another [illegible]

Mr. Ed. Harley. Sir, I can't satisfy myself to be for this bill; and in a few words, I shall [illegible]

[illegible] the parliament is unlimited. I do agree, that [illegible]

[illegible] Bill. I shall only mention the reason why [illegible]

[illegible] England, they will find it hath been often the [illegible]

[illegible] the subject; and therefore these acts took par- [illegible]

[illegible] and, I think, upon it the liberty of the subject is founded; and therefore I can't be for this [illegible]

[illegible] took a very extraordinary method to force their [illegible]

[illegible] seemed to be a great breach on their dignity; [illegible]

[illegible] doubted right belonging to that peerage; but [illegible]

[illegible] rule: If this was once broke through, no man [illegible]

[illegible] destroyed by a torrent: Two witnesses seemed [illegible]

[illegible] that even a parliament would not make a breach [illegible]

[illegible] again, at the trial; till that was done, it was [illegible]

[illegible] Porter: What his lady did, could not be [illegible]

[illegible] that Goodman was practised on; so his with- [illegible]

[illegible] liamentary proceedings, on such occasions, [illegible]

[illegible] justification of his Vote; which he did, to this effect.

"The nature of government required, that [illegible]

[illegible] ings of the courts of law: Afterwards this, in [illegible]

[illegible] Yet, in that, as well as in the statute of Edw. [illegible]

[illegible] the inferior courts; because the supreme court [illegible]

[illegible] probable, but defective. That was a mighty restraint, and struck a terror into all people; [illegible] courts of justice, [illegible] them; such as the Romans reposed in dictators, [illegible] gencies, recourse must be had to the supreme [illegible] nate cases; but there is no reason to tie up the [illegible] was often reversed at another; but that was [illegible] tainders. The attainders of inferior courts were, upon the like account, often reversed. [illegible] forms of law, they were never blamed, not to say condemned. When poisoning was first practised in England, and put in a pot of porridge in the bishop of Rochester's house, this, which was only felony, was, by a special law, made to be high-treason; and a new punishment [illegible] after it, but should die a villain's death; this was judged in parliament to be high-treason; [illegible] were read in both houses of parliament. It is true, these were much blamed; and there was great cause for it: There were too many of them; for this extreme way of proceeding is to be put in practice but seldom, and upon great occasions; whereas many of these went upon slight grounds, such as the suffering some [illegible] In Edward 6's time, the lord S[illegible] was attainted in the same manner, [illegible] the bar, and there examined; whereas formerly [illegible] of the treason, but found guilty of the felony [illegible] law, in all the steps [illegible]

It is true, there were no parliamentary attainders in England during that long and glorious reign [illegible] any such bill. But in Ireland, where some [illegible] since, by our law, a man's crimes die with himself, [illegible] his own defence, nor can his children do it for him. [illegible] the subsidies, which the king had asked, 'That the king was absolved from all the rules of [illegible] 'subdue this kingdom.' These words were [illegible] Scotland; so that though 'this kingdom,' [illegible] might well be meant of 'that kingdom,' which [illegible] to subdue his people by force, it is hard to tell, what [illegible] carry these too far, it is certain, that the nation, [illegible] they are in their own hands, or in those of a re[illegible] the other hand, if that be ill chosen, there is no help for it; the nation must perish, for it is [illegible] of bringing in a foreign force to conquer us.

a military usurpation, yet were capable of a

Whereas there is no prospect, after a foreign

need appear, yet a foreign conquest is worse; it is assassinating the kingdom; and therefore

ought to be such, that, if the defects in legal

a court of law could not proceed upon it, yet no man could raise in himself a doubt concern-

ence, upon whose testimony several persons had been condemned, and had suffered; and these neither at their trial, nor at their death, dis-

in the course of his life, that did not destroy his credit as a witness. In the first trial this might have made him a doubtful witness; but

full time for it; and every circumstance of his deposition had been examined, and yet nothing had been discovered, that could so much

concerning king James's commission; yet none

a little in the evidence that was false, they

Witnesses might conspire to swear a falsehood;

the possibility of a doubt. And therefore the

of their liberty; but, how exact soever they

proceeded against him in a summary way. By

the evidence was clear, and the danger extreme,

standing the Porcian law. And this was done

Porcian law, was for that reason suspected of

in a plot against the other."

flection upon them for opposing it; and in-

the bill, fell under a great load of censure on this occasion. In conclusion, the bill passed by a small majority of seven voices only, there

A List of the Lords for and against the Bill.

chester

Norfolk, Southampton, Richmond, St. Albans,

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[illegible]

case of blood. So that in this case, there was [illegible]

[illegible]

sir J. F. is so inconsiderable a man, as to the [illegible]

[illegible] Life of the earl of Halifax.

eloquence of Mr. Montagu, Chancellor of the

had Resolved, 'That a Supply be granted to
'his majesty to make good the Deficiencies of

they resolved on a thorough cure. For being

tinued and additional Impositions; Paper and

deficient; and that all the money which should

made the officers of his majesty's treasury liable
to great penalties, in case this method were

heavy on the nation, which was all that could

not exceed the value of those Bank-notes,

on their stock; and for securing the payment

appropriated. The time of the continuance of

value, should be divided among the subscribers: that all the Interest due on those Tallies

1,200,000*l.* provided they be obliged to answer
such bills at demand; and in default thereof,

---

† Southampton [illegible]

to be answered by the exchequer out of the first money due to them. That no other Bank be erected, permitted, or allowed by act of parliament, within this kingdom, during the continuance of the Bank of England. That on such new Settlement, the Bank of England be exempted from all manner of parliamentary taxes. That no act of the corporation should forfeit the particular interest of any person concerned therein. That provision be made for hindering and preventing the officers of the Exchequer, and other officers and receivers of the Revenue, from diverting, delaying, or obstructing the course of payments to the Bank. That care be taken to prevent the altering, counterfeiting, or forging any Bank-Bills or Notes; as likewise against the defacing, raising, or altering any indorsement upon any such Bill or Note. That the estate and interest of each member in the Stock of the Corporation, be made a personal estate. And lastly, that no Contract or Agreement made for any Bank-Stock to be bought or sold, be valid in law or equity, unless the said contract be actually registered in the books of the Bank within seven days, and actually transferred within 14 days after the making of such contract. Upon which encouragements, a Million was subscribed and paid in Tallies and Bank-Notes in t[illegible] This expedient was the result of Mr. Charles Montague's skill and prudence; and though many persons who were interested could not presently apprehend the reasonableness of it, yet the advantages they afterwards received, did fully convince them, that no other way could have been found to call back their sinking credit: for the value of 200,000*l.* in Bank-Notes being sunk by the new Subscription, the rest, as it was reasonable to believe, would, by degrees, necessarily rise in worth; and so likewise did the Tallies, after so many as amounted to 800,000*l.* were paid in to enlarge the Bank. Upon this the Credit of the Bank recovered apace, till in a short time the Notes, which bore no interest, were as valuable as money, and their Bills that bore interest better than money: and by this means the face of affairs was quickly much changed for the better; credit began to revive, and money to circulate on moderate terms; foreign exchanges rose from their sinking state, and soon after came to an equality: and whatever inconveniencies the nation had undergone, by reason of the long and expensive war, and the recoining the Silver-Money, which could not but occasion many complaints, yet the greatest part of them [illegible] from the prospect of a peace, and the wisdom of those at the helm, [illegible]

"Another evil of no less difficulty or importance was the loss of Credit, (which, as was hinted before, was one of the springs of the latter) remained still to be removed; and that was the great scarcity of Money. The parliament, [illegible] by settling Funds which might be deficient, came to a Resolution, Nov. 20th, That the Supplies for the service of the year 1697, should be raised within the year. But how could above five millions be raised within the year, while the Silver-Money was called in, and recoining, and there was not current money enough in the nation, to answer the occasions of Trade, and supply the conveniencies and necessities of life? This Vote of parliament seemed so absurd, that the enemies of the government made themselves merry with it, and instead of raising their spleen, it was the entertainment of their pleasant humour; and many, even of the best friends of the government, imagined that the parliament by this, rather expressed their zeal and willingness, than their ability to support the state, and maintain the present Settlement. But this parliament, to whose wisdom it seems reserved to surmount difficulties that were looked on as insuperable, made money without bullion, and distributed great quantities of it without the help of the mint. This they did by authorizing the lords of the treasury, to issue out Bills from the Exchequer, to the value, first named, of above two millions, which Bills were first appointed to be brought in, and sunk upon the Capitation-tax. But before the session ended, the parliament being convinced by the first collection of that duty, that it would prove very deficient, they appointed the Exchequer Bills to be brought in, on any other of the king's duties or revenues, except the Land-Tax; and allowed an interest of 7*l.* 12*s.* per annum, upon the second issuing the said Bills out of the Exchequer, whereas at first they bore no interest. By this step they made a good foundation for Paper-Money to supply the place of the Silver Coin; for so many payments were at this time to be made into the Exchequer, that when the people had assurance given them, that these Exchequer Notes would be received back again in payment of the king's taxes, they were very well satisfied to take them, at first indeed at a small discount, but not long after at an equality. A great number of these Notes were only for 5 or 10 pounds, which answered the occasions of commerce among the meaner people, for their common necessities of life. And that those also that advanced money on loans for any of the king's revenues, might not be obliged to receive it back in Notes that were under the value of money, to strengthen the reputation of these Bills, the parliament authorised the lords of the treasury, to contract with any corporation, or numbers of private men, and to allow them a competent præmium, provided they would contract themselves to exchange those Notes for ready money when tendered to them for that purpose; which the lords of the treasury did accordingly. The credit of the Exchequer Notes being thus secured, they daily rose nearer to par, till at last they exceeded the value of money: and whereas the trustees, with whom the government had contracted to exchange them, were at first allowed 10 per cent. as a præmium, they were since contented to do it for four. These Bills passed as so [illegible]

money: and these state-counters so well sup- [illegible]

if I may so speak, were for a time removed) [illegible]

that of re-coining the Money; which those [illegible]

were afterwards contented to call a fortunate [illegible]

[illegible] *Places* [illegible]] [illegible]

care to remedy a Public Grievance of long [illegible]

latter; and one of these, called White Fryers, was become a notorious receptacle of broken [illegible]

and great prejudice of the people, defended [illegible]

mischief the parliament redressed by an 'Act 'for the more effectual relief of creditors in 'cases of escapes, and for preventing abuses in 'prisons and pretended privileged places [illegible]

Case of Conrade Greibe.] Dec. 8. The Com- [illegible]

one Mary Greibe, made their Report; by which [illegible]

before seized by one Kitson, a messenger, by [illegible]

him with treasonable practices: that he was [illegible]

fused an examination: and that at last about two or three o'clock in the morning he was taken out of the custody of the said messenger by a party of the Dutch guards, who carried [illegible]

into a dungeon, and is subsisted on bread and [illegible]

[illegible]

"W. R. His majesty having received an [illegible]

Plot; and about the same time, several Infor- [illegible]

person; his majesty thought it for his safety [illegible]

to receive him, together with the Informa- [illegible]

9. The house took into consideration the [illegible]

lating to the Fleet; and entered upon Enqui- [illegible]

Brest: upon which vice-admiral Mitchel hav- [illegible]

from admiral Russel having been read, a mo- [illegible]

in, which passed in the negative, yeas 128, [illegible]

to render any Merchant, being a natural-born [illegible]

sonal estate: but no person to be esteemed a [illegible]

among a variety of other matter, reported to the house, "That one Brunskill a solicitor, had [illegible]

in the Fleet-prison; which he, Tilly, had par- [illegible]

[illegible] be laid before parliament? he replied, he could [illegible] ledge, they would all take bribes; and that [illegible] bribing a Committee last parliament.—That [illegible] to the house of lords; he answered, it was only [illegible] would try the king and council; he added, the [illegible] him with other particulars of the like nature. And that the said Tilly, to invalidate their [illegible] bad character, and in a confederacy against [illegible]

Ordered, That the said Francis Duncomb be [illegible]

On the 27th a motion being made for reading the [illegible] the Abuses of Prisons, it passed in the affirmative [illegible] said report was read, and Mr. Tilly being [illegible] desired farther time, and the house proceeded to take further Informations; on which occasion [illegible] to prove that he was innocent of all: and that [illegible] into a conspiracy against him; of which many [illegible]

Orders for dispersing a Mob.] Jan. 21. A tumultuous crowd of people filling all the [illegible] East-India-Silks; orders were given to the Justices to disperse them: and it was resolved, "That the inciting and encouraging any number of persons to come in a riotous manner, either [illegible] pending before this house, being against the [illegible] crime and misdemeanour."

[illegible] having made their Reports, a motion was made, [illegible] speaking scandalous words of this house and [illegible]

[illegible] *Custody; and a Bill to restrain the Press* [illegible] and to supply the Want of Money by the cur[illegible] tent upon these wise ends, that when in a Paper, [illegible] 'We hear, that when the Exchequer-Notes are [illegible] 'that have subscribed to advance some hun[illegible] passage to be a malicious insinuation, in order [illegible] Exchequer-Bills. They ordered the printer, John Salisbury, to be sent for in custody: And gave leave to bring in a Bill, to prevent the [illegible] out licence. And yet when such a Bill was [illegible] before a second reading.*

[illegible] houses:

---

*About this time a small Tract was published, intitled, "A Letter to a Member of Parliament [illegible] a copy of which, see Appendix No. XIII.

session, I told you how sensible I was of the

such a nature, that I will freely own, the hopes

business with so much chearfulness, proceeded

I have nothing more to ask of you, but that you

Suffolk.—During the recess, a Congress was opened at Ryswick for a general Peace, and Preliminaries were agreed upon; but many

ed a private conference with marshal Boufflers,

had hitherto been found insurmountable. This

"My lords and gentlemen; The War which

expensive war.—I am heartily sorry,

ing it will be proportionably augmented; and

abroad are such, that I think myself obliged to

land cannot be safe without a Land-force: and

tion of a peace, which they could not bring to pass by a war.—I doubt not but you, gentle-

manner as to provide the necessary Supplies.

My lords and gentlemen; That which I most delight to think of, and am best pleased to own, is, that I have all the proofs of my

and I take this occasion to give them the most

from them. I esteem it one of the greatest advantages of the Peace that I shall now have

danger; so I shall place the glory of my reign in preserving them entire, and leaving them so

your majesty upon the happy conclusion of it, the nation [illegible] sufficiently justifies the wisdom of the Commons in advising, and your majesty's conduct in the prosecution of it.—The prospect of the benefits your people will receive from this Peace, is very pleasing. The honour your majesty has restored to England, of holding the Balance of Europe, gives your subjects great content. But what your Commons are most affected and delighted with, is, that your majesty's sacred person will now be secure, from those many and great dangers, to which you have so often exposed it for our sakes: nothing being so evident, as that your majesty's return in safety, was a blessing more welcome to your people than Peace, and received with greater demonstrations of joy. We therefore with hearts full of affection, duty, and gratitude, do assure your majesty in the name of all the Commons of England, that this house will be very ready to assist and support your majesty, who, by putting a period to the War, has continued us in the quiet possession of our Rights and Liberties, and so fully completed the glorious Work of our Deliverance."

The King's Answer.] The king answered thus:

"Gentlemen; Nothing that relates to the Peace pleases me so much, as the satisfaction you have in it; and as you have assisted me in the War, beyond all expression, I do not doubt, but you will be as zealous in maintaining the Peace."

The Commons resolve to disband the Army.] Standing forces, however established and regulated [illegible], or however necessary to maintain the peace, were [illegible] and therefore upon entering into a consideration of his majesty's Speech, the first Resolution of the Commons, was on Dec. 11, "That all the Land Forces of this kingdom, that have been raised since the 29th of Sept 1680, shall be paid and disbanded."* The friends of the king [illegible] argued, that the nation was still unsettled, and not quite delivered from the fear of king James; that the Adherents to that abdicated prince, were as [illegible] as ever, and [illegible] [illegible] [illegible] as before. That [illegible] the Peace [illegible] [illegible] expence of so much blood and treasure, would be at best but precarious, and not only England, but all Europe lie once more at the mercy of that ambitious monarch, an inveterate enemy to King William, the Protestant Religion, and the Liberties of Christendom. On the other hand, the Country Party, [illegible] the Court; the [illegible] Party, [illegible] never heartily approved the Revolution, the Commonwealth Party, who were secretly driving at a change of government into their own scheme and interest; and even many worthy patriots, who had no worse view than the Rights and Liberties of their country, [illegible] agreed in the [illegible] a Standing Army, and laboured to represent it as absolutely destructive to the constitution of the English government. And [illegible] that their [illegible] prevailed [illegible] were [illegible] popular, and had [illegible] them, that standing forces would want a continual tax, and disbanding would [illegible] people from the burthen of the war, which they would never be willing to bear in a time of peace. The king hoped that he had prevented the warmth of these Debates, at his coming over, when he had caused several regiments of horse, dragoons, and foot to be [illegible]; and several others to be reduced, [illegible] sent away most of the remainder to Scotland and Ireland. And therefore he resented it as the greater hardship upon him, that he [illegible] exposed, as if the Peace [illegible] his enemies to surprize him with another war.

The Commons however persisted in their Resolutions of disbanding; but to make it the more palatable, they passed a Vote, Dec. the 13th, "That it be an instruction to the Committee [illegible] of the Supply, [illegible] they should likewise consider of a Gratuity, to [illegible] Officers and Soldiers [illegible] English Army, who [illegible] be disbanded." And, at the same time, ordered Mr. Hammond and Mr. Moyle to bring in a Bill, [illegible] ration throughout this kingdom; and, to provide for the security of the kingdom, when the Army should be disbanded. On Dec 17th, they appointed several members to prepare and bring in a Bill, to regulate the Militia, and [illegible] Dec [illegible] they Resolved, "That 10,000 men are necessary for a Summer and Winter-Guard at Sea, for the year 1698."

The Supply taken into Consideration; a Civil-List of 700,000l. settled on the king for life.] Dec. 20. The Commons took the Supply into consideration, and resolved, "That in a just sense and acknowledgment of what great things his majesty has done for the kingdom, [illegible] not exceeding 700,000*l.* be granted to his majesty during his life, for the Support of the Civil List."

Sums granted, and for what Uses.] January 11, 1697-8. The Commons agreed to the Resolutions which had been taken in a grand committee about the Supply; "1. That a Sum not exceeding [illegible] be granted to his majesty, for maintaining Guards and Garrisons for the year 1698. 2. That a Supply be granted to his majesty, which, together with the Funds already settled for that purpose, should [illegible] answer and cancel all Exchequer-Bills issued or to be issued, not exceeding [illegible]. 3. That a Supply be granted to his majesty, for the speedy paying and disbanding the Army." And then they ordered, That a Bill

---

* The army then consisted of 17,656 foot, and [illegible] horse and dragoons.

[illegible]

lutions. 1. "That upon Disbanding the Army,

[illegible]

jesty the last session of parliament; and

[illegible]

they ordered a Committee to consider of Ways

[illegible]

Arrears of the Army into consideration, they

[illegible]

cessary to clear the Arrears of Pay, due to the

[illegible]

to the bishop of Munster; 30,000 to the duke

[illegible]

ducing of Ireland; 125 785*l.* for other Transport-service; and 49,929*l.* for quartering and cloathing the Army raised by act of parlia-

[illegible]

do it by degrees; and therefore voted, 1. "That

[illegible]

Officers. 5. That 137,990*l.* be raised for clear-

[illegible]

for the Navy; viz. 100,000*l.* for Wear and Tear; 600,000*l.* for Seamens-Wages, in part of

[illegible]

the Registered-Seamen; 24,000*l.* for the sala-

[illegible]

the Muster-masters of the Out-ports; 48,390*l.*

[illegible]

two Marine Regiments; and [illegible],286*l.* for the

[illegible]

chequer-Bills: and Duncomb and Knight, two Members, expelled and imprisoned for the

[illegible]

[illegible]

of the king's taxes; whereas at their first issu- [illegible]

[illegible] jesty's revenue. The most considerable per- [illegible]

[illegible] ceiver-general of the excise; Mr. John Knight, [illegible]

Burton, who had a place in the excise-office; [illegible]

[illegible] committed prisoners to the Tower; Burton was [illegible]

brought in to punish them. The Bill against Mr Duncomb, whereby a fine of nearly half his [illegible]

[illegible] the rejecting of the Bill. It was then the com- [illegible]

[illegible] however history cannot relate as a truth, because it never came to public notice; but we [illegible]

[illegible] Burton had the same fate; and so all those [illegible] the false endorsers, spent themselves in vapour [illegible]

A Bill of Resumption ordered.] The Com- [illegible] in order to which, they enquired into the Grants made by king Charles 2. and king James 2. and ordered a Bill to be brought in to make [illegible] and because a Grant was found made to Mr [illegible]

[illegible] mies of the latter, who were not few, moved, that he should withdraw; which passing in the [illegible]

"That it was the opinion of this house that [illegible]

[illegible] *force against Profaneness and Immorality.*] Feb. 9. A Committee of the commons was [illegible]

[illegible] house:

[illegible]

[illegible] trates, are, like a general contagion, diffused [illegible]

[illegible] Profaneness and Irreligion, may in a particu- [illegible]

[illegible] manders that they do not only shew a good ex- [illegible] service: and at the Assizes and Quarter-Ses-

“Gentlemen, I cannot but be very well

particulars you desire: But I could wish some

An Act for suppressing Atheism, &c.] Feb.

the commons, entitled, ‘An Act for the more

at the second reading to a committee of the

published a Proclamation for preventing and

were two children, a daughter and a son. Of

applied himself to his peers for a remedy,

[illegible] acts of parliament for them, as well as for bastardizing spurious issue: That there [illegible]

like case, [illegible] manifestly an effect of the

marriage settlements; it would be a most un-

his wife's fault he should be deprived of the

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[illegible] the whole matter, the lords passed a Bill 'for dissolving the Marriage between Charles earl [illegible] and to illegitimate her children;' but with a Proviso, that [illegible] This Bill [illegible] concerned were both heard by their counsel; [illegible] opposition, the Bill was read the third time, and [illegible] without any amendment, and received the royal assent.

Impeachment of Goudet and others of High [illegible] 16. [illegible] and agreed to: viz.

ARTICLES OF IMPEACHMENT, exhibited by the [illegible] merchants, and John Pierce, gentleman, in [illegible] misdemeanors:

I. "That the said John Goudet, David Bar[illegible] the late War; but minding and intending, for [illegible] force or effect; did, between the 24th of Au[illegible] Peter Baraillew, Peter Goree, Antony Didier, Dinah [illegible] —— Ripper, Arthur Goodwyn, Ferdinand [illegible] Auriell, Peter Monbrown, Mrs. Puttoon, John [illegible] Collins, —— Smith, —— Phillips, John Guy[illegible] Dewy, —— Mandre, and —— Fowsey, and [illegible] a Traffic with France, during the late War; [illegible]

II. "That, to compass and effect these their [illegible] set up, and carry on, a Correspondence with [illegible]

III. "That they the said John Goudet, &c. [illegible]

IV. "That they the said John Goudet, &c. [illegible] ties of the wool grown in this kingdom.

[illegible]

VI. "Whereas a very beneficial manufac[illegible] maintained; for the encouragement whereof, [illegible] the Custom-house; and did affix several of the [illegible]

"All which said crimes and offences were contrived, committed, perpetrated, and acted, [illegible] and the said John Goudet, &c. did severally, [illegible] petrate, and act, the said crimes and offences, [illegible] nuisance of all his majesty's liege people, and [illegible] kingdom, and in open violation of, and con[illegible]

"And the said knights, citizens, and burgesses, [illegible]

[illegible] Articles, or any of them; and of, or in proof of, the premises; or any other Articles, Im- [illegible] to the course of parliament, require; do pray, [illegible]

[illegible] their Replications; a great dispute arose between both houses; the lords insisting, That the [illegible] insisting upon their having a convenient place [illegible] charge against them: this gave occasion for a [illegible] they would be present at the Trials, as a Com- [illegible]

[illegible] them confessed themselves guilty: whereupon [illegible] the lords imposed a Fine of 10,000l. upon Stephen Seignoret; of 3,000l. on Rhene Baudoin; [illegible] respective fines. And, lest any favourite should [illegible]

[illegible] 700,000l. at 4 per cent. for the service of the [illegible] house seemed inclined to embrace their Pro- [illegible] raise two millions at 8 per cent. on condition [illegible] scribers, exclusive of all others: they also pro- [illegible] obliged to trade in a joint stock; but if any [illegible] incorporated, a Charter should be granted to them for that purpose. The house judged this [illegible] settle this controverted trade on a better foun- [illegible]

[illegible] lowing resolutions: 1. "That every Subscriber [illegible] amount of his respective Subscription; or might assign over such his liberty of trading to any [illegible] scribing 500l. have a vote; and no person to [illegible] deliver in England. 7. That no person that should be a member of any corporation trading [illegible] he was a member. 8. That 5l. per cent. ad valorem, upon all returns from the East Indies, [illegible] account of the Subscribers, towards the charge [illegible] the duties now payable, a further duty of 1s. [illegible] silks imported from India and Persia; to be [illegible] ingly brought into the house, the old East India Company presented a Petition against it.

June 10. A motion being made, that the said Bill be read a second time, it passed in the [illegible]

[illegible] made their Report; by which it appeared: [illegible]

such provisions for our common security, [illegible] long a war, with as little burden to the kingdom as is possible, [illegible] give a lasting reputation to this parliament, and will be a subject of emulation to those, who shall come after. Besides all this, I think myself personally obliged to return my thanks to you, gentlemen of the House of Commons, for the regard you have had to my honour, in the establishment of my revenue. My lords and gentlemen; There is nothing I value so much, as the esteem and love of my people; and, as for their sakes I avoided no hazards, during the war, so my whole study and care shall be to improve and continue to them the advantages and blessings of peace. And I earnestly desire of you all, in your several stations, to be vigilant in preserving peace and good order, and in a due and regular execution of the laws, especially those against profaneness and irreligion."

The Parliament prorogued and dissolved.] Then the parliament was prorogued [illegible] days after dissolved, having now sat [illegible] of three years, in which, as the king said in his speech, great things had been done; the whole money of England was recoined; the king secured in his government: an honourable peace was made; public credit was restored; and the payment of the Public Debts was put into a [illegible].*

On the 2nd of January, the king [illegible] Holland, [illegible] December, [illegible] landed at Margate.

FIRST SESSION OF THE FOURTH PARLIAMENT OF KING WILLIAM III.

List of the House of Commons.] Dec. [illegible], 1698. [illegible] Parliament [illegible] Westminster. The following is a List of the Members of the House of Commons:

Abingdon,
[illegible]
Agmondesham,
Sir John Garrard,
[illegible]
Aldborough, (Suffolk)
Sir Samuel Grimston,
George Churchill,
Aldborough, (Yorkshire)
[illegible]
[illegible]
Aldborough, (Yorkshire)
[illegible]
[illegible]
[illegible]
Sir William Holster,
[illegible]
[illegible]
[illegible]
Anthony Henley,
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
Ashburton,
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

Bar[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
Bedfordshire,
[illegible]
[illegible]
Bedford [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
Sir Humphrey Forster,
[illegible]
[illegible]
[illegible]
[illegible]
Beverly,
[illegible]
Sir Michael Wharton.
[illegible]
[illegible]
[illegible]
Sir William Brownlow,
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
John Hoblyn.
[illegible]
[illegible]
Sir John Hales.
[illegible]
Sir Henry Goodrick,

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* "The chief conduct of affairs lay now [illegible] judges, that ever presided in Chancery, so his [illegible] for the government; but a spirit of impiety [illegible] managed all the affairs of the duke's office, [illegible] Secretary [illegible]."

* "Among the Pamphlets published about [illegible] broad and so constitutional a basis, that they [illegible] whatever relates to the Conduct of Parliaments: the first of them is called, 'The Dan[illegible] Nature [illegible] and our present Elections.'" Ralph. For [illegible] see Appendix No. [illegible] and No. XV.

Brecon Town,

Cardiff,

Cardigan Town,

Christ's Church,

Sir Gilbert Clark,

George Vernon.

Eastlow.

William Selwyn.

Grantham,

Samuel Pitts.

Honiton,
Sir William Drake,

Horsham,
John Machell,
Henry Yates,

Huntingdonshire,

Ipswich,

Ives, (St.)
Sir Charles Wyndham,

Sir William St. Quintin,

[illegible] Heysham,
[illegible]
[illegible]
[illegible],
William [illegible],
Leicestershire,
John Verney,
[illegible]
Leicester Town,
Sir William Villers,
Lawrence Carter.
Leominster,
Thomas Coningsby,
Edward Harley.
Leskard,
Henry [illegible],
William Bridges.
Lestwithiel,
George Booth,
Samuel Travers.
Lewes,
Henry Pelham,
Thomas Pelham.
Lincolnshire,
Charles Dymoke,
George Whichcot.
Lincoln City,
Sir [illegible],
Sir Edward Hussey.
Litchfield,
Richard Dyott,
Sir Michael Biddulph.
Liverpool,
William Clayton,
Sir William Norris.
London,
Sir John Fleet,
Sir William Ashurst,
Thomas Papillon,
Sir James Houblon.
Ludlow,
Francis Herbert,
Thomas Newport.
Ludgershall,
Walter Kent,
John [illegible].
Lyme-Regis,
Robert Henley,
Henry Henley.
Lymington,
Thomas Dore,
George Burrard.
Lynn-Regis,
Sir John Turner,
Sir Charles Turner.
Maidstone,
Sir Robert Marsham,
Thomas Bliss.
[illegible]
Sir [illegible],
[illegible].
[illegible]
[illegible]
[illegible]
[illegible]
William Palmes,
Thomas Worsley.
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] Cary.

Mawes, (St.)
Sir Joseph Tredenham,
John Tredenham.
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
Midhurst,
Sir Wm. Morley,
[illegible]
Middlesex,
Sir John Wolstenholme,
Warwick Lake.
Milborne Port,
Sir Thomas Travell,
Sir Charles Carteret.
Minehead,
Jacob Banks,
Henry Luttrell.
[illegible]
Sir John Hawles,
[illegible]
[illegible]
Sir John Williams,
[illegible]
[illegible]
Henry Probert.
[illegible]
[illegible],
Sir Henry Bellysis,
Montgomeryshire,
Edward Vaughan.
Montgomery Town,
Price Devereux.
Newark upon Trent,
Francis Molyneux,
George Markham.
Newcastle under Line,
Sir John Gower,
Sir Thomas Bellot.
Newcastle upon Tine,
Sir William Blacket,
William Carr.
Newport, (Cornwall)
John Granville,
John Morice.
Newport, Hants,
Lord Cutts,
Sir Robert Cotton.
Newton, Lancashire,
Thomas Lee,
Thomas Brotherton.
Newton, Hants,
[illegible],
James Worsley.
Norfolk,
Sir William Cook,
Sir Jacob Astley.
[illegible]
Sir Justinian Isham,
[illegible]
[illegible]
[illegible]
[illegible]
Sir Edward Blacket.
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]
Nottingham Town,
William Pierrepoint,
[illegible].
Okehampton,
William Harris,
Thomas Northmore.
Orford,
Sir Charles Hedges,
Thomas Felton.
Oxfordshire,
[illegible],
Sir Robert Jenkinson.
Oxford City,
Thomas [illegible],
Sir Edward Norris.
Oxford University,
Sir Christ. Musgrave,
Sir Will. Glynn.
Pembrokeshire,
Arthur Owen.
Pembroke Town,
Sir John Philips.
Penryn,
Samuel Trefusis,
James Vernon.
Peterborough,
Sidney Wortley,
Francis St. John.
Petersfield,
[illegible],
Robert Michell.
[illegible]
Charles Trelawney,
John Rogers.
Plympton,
Marmaduke Ryder,
Courtney Croker.
Pool,
William Jolliff,
William Piper.
Pontefract,
Sir John Bland,
John Bright.
Portsmouth,
Sir George Rook,
Thomas [illegible].
Preston,
Henry Ashurst,
Thomas Molyneux.
[illegible]
[illegible],
[illegible]
[illegible]
[illegible].
[illegible]
[illegible]
[illegible] Morgan,
[illegible]
[illegible] Lechman,
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

Sir Charles Sedley,
[illegible]
[illegible]
Richard [illegible],
Lord [illegible].
[illegible]
[illegible]
Sir John Austin.
[illegible]
[illegible]
[illegible]
[illegible]
Sir [illegible] [illegible]ton.
[illegible]
Salop Town,
Richard Mytton,
John Kynaston.
Saltash,
John Speccott,
John Morice.
Sandwich,
John [illegible],
John Thurbarne.
Sarum, New,
Charles Fox,
Robert Eyre.
Sarum Old,
Charles Mompesson,
William Harvey.
Scarborough,
Lord Irwin,
Sir Charles Hotham.
Seaford,
Sir William Thomas,
William Lowndes.
Shaftsbury,
Sir Edward Nicholas,
Henry Cornwall.
Shoreham,
Charles Sergison,
John Perry.
Somersetshire,
Sir Edward Philips,
John Hunt.
Southampton County,
Thomas [illegible],
Richard Norton.
Southampton Town,
Sir Benj. Newland,
John Smith.
Southwark,
Charles Cox,
John Cholmondeley.
Staffordshire,
[illegible] Paget,
John Gray.
Stafford Town,
[illegible],
[illegible].
[illegible]
William Cecil,
[illegible]
[illegible]
Sir [illegible],
Sir [illegible]
[illegible]
George Pitt,
[illegible].
[illegible]
[illegible],
[illegible]
[illegible]
Sir [illegible]

Sussex,

Thomas Guy.

Tavistock,

Robert Russel.

Thomas Coulston,

Sir Edw. Seymour.

Francis Roberts,

Sir J. Mordant.

Sir C. Shuckborough.

William Coward,

Richard Beak.

William Forrester,

Richard Lewis.

William Flemming.

Sir Richard Sandford.

Philip Taylor,

Wiltshire,

Edward Ernly,

James Bertie,

Wooton Basset,

Henry St. John,

Worcestershire.

Yarmouth, (Hants)

Yorkshire,

York City,

Sir Tho. Littleton chosen Speaker.] Dec. 6. The new Parliament met at Westminster; and [illegible] the usual solemnity, sent for the Commons, to [illegible] Choice of a Speaker*, and present him on

[illegible] were necessary, at least, for the Choice of a [illegible] a good degree depended; as it appears by a [illegible] 'Speaker,' &c. (See Appendix, No. XIV.) the [illegible] our neighbours, it must be by the two fold influence of a Corrupt Parliament, and a Standing [illegible] 'land can never be undone but by a parliament;' as also, That a corrupt Speaker was [illegible] influence the proceedings of the house, he enters his first caveat against a person who had no [illegible] rejected by the house on a like occasion; and [illegible] the crown, and by a particular clause in the Act of Indemnity, procured a release: And [illegible] of the exploded, Pensioned Parliament in [illegible] been tricking the house in so shameful a manner, that the several periods of his life might [illegible] price. By the last of these gentlemen he [illegible] Tho. Littleton; concerning whom, and what [illegible] as follows: 'Suppose there is a Debt growing [illegible] ruptions in bringing on that matter, difficulties [illegible] best and most artificial advocate for not dis- [illegible]

---

* "It was the 4th of Dec. in the evening before his majesty reached Kensington: after [illegible]

† Southampton [illegible]

[illegible]

'My Lords and Gentlemen; I have no [illegible] to this, two things seem principally to require [illegible] depend upon the opinion they have of their se[illegible] should see you will not be wanting to yourselves.—The second thing I shall mention to [illegible] ed; and, I think an English parliament can never make such a mistake, as not to hold sa[illegible] men of the House of Commons; I do earnestly [illegible] and Gentlemen; I think it would be happy, if [illegible] employing the Poor, which might tend to the increase of our Manufactures, as well as remove a heavy burthen from the people. I [illegible] and for the further discouraging of Vice and Profaneness. The things I have mentioned to you being of common concern, I cannot but hope for unanimity and dispatch."

[illegible] This Speech, being taken into consideration by the house, it was thought by the majority but a natural effect of Peace, to reduce the Army. Accord[illegible] Resolutions, viz. "That all the Land-Forces of [illegible]

[illegible] made the king very uneasy; and the more so, [illegible]

[illegible] which looked like a good omen on the side of [illegible]

* "This gave the king great uneasiness; for [illegible] but even to sink under it. He tried all that [illegible] in an after-game, as it was to have prevented this misunderstanding, which was like to arise [illegible] ther than hold it with a force, that was too small [illegible] sidered only as a threatening, so that little re[illegible] an original Letter of the lord chancellor Som[illegible] had actually formed such a design; from which [illegible] use, could prevail on him to desist. For his ma[illegible] Speech:—'I came to this kingdom, at the desire of this nation, to save it from ruin, and to 'preserve your religion, your laws, and liberties; and for that end I have been obliged to 'maintain a long and burdensome war for this 'kingdom; which, by the grace of God, and 'the bravery of this nation, is at present ended [illegible] 'happily and in quiet, provided you will contribute to your own security, in the manner I 'had recommended to you at the opening of 'the sessions. But seeing, to the contrary, [illegible] 'and that you take no manner of care of your [illegible] 'to evident ruin, by divesting yourselves of the 'only means for your defence, it would not be 'just nor reasonable, that I should be witness 'of your ruin, not being able to do any thing 'of myself, it not being in my power to defend 'and protect you, which was the only view I 'had in coming into this country. Therefore, 'I am obliged to recommend to you to chuse 'and name to me such persons, as you shall 'judge most proper, to whom I may leave the 'administration of the government in my ab[illegible] I am at

[illegible]

hazard in breaking such a number of the Troops: and though I might think myself un- [illegible]

[illegible] I must own would have been very unexpected, after what I have undertaken, ventured, and [illegible] liberties.—I have thus plainly told you the only [illegible] and now I think myself obliged, in discharge of the trust reposed in me, and for my own [illegible] to provide such a strength as is necessary for [illegible]

[illegible] resolved, "That an humble Address be pre- [illegible] this form of Address:

"Most gracious Sovereign; We your ma- [illegible] Christendom; beg leave to return our most [illegible] in which you express so great a regard for the [illegible] have given so undeniable a proof of your readi- [illegible] ment; and as your majesty has shewn a most [illegible] and safety of your people; so give us leave to [illegible] enemies whatsoever."

The King's Answer.] This Address being [illegible]

"Gentlemen; I take this Address very kindly: I am fully satisfied of your duty and affec- [illegible]

[illegible] *Guards.*] March 17. The earl of Ranelagh delivered a Message from the king to the house, [illegible]

"William R. His majesty is pleased to let [illegible] came with him into England; and that he in- [illegible] posed to find a way for continuing them longer [illegible]

[illegible] ried in the negative, and resolved, "That a [illegible]

And this Address* was accordingly prepared, [illegible]

'present forced to withdraw myself out of the 'kingdom, I shall always preserve the same 'inclination to its advantages and prosperity. 'And when I can judge, that my presence 'will be necessary for your defence, I shall be 'ready to return, and hazard myself for your 'security, as I have formerly done; beseech- [illegible] Tindal.

* "The Commons, with a firmness never to [illegible] way to the least qualification: in doing which, [illegible] tified him in his request: for the undue prefer- [illegible] the hearts of his people: besides, in remaining [illegible] sistency; they countenanced the proceedings [illegible]

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"Most gracious Sovereign, We your majesty's most dutiful and loyal subjects, the Commons in this present parliament assembled, do, [illegible] the passing the late Act for disbanding the Army, gave great satisfaction to your subjects, and the readiness your majesty has expressed by your Message, to comply with the punctual execution thereof, will prevent all occasions of distrust, or jealousy between your majesty and your people.—It is, Sir, to your loyal Commons an unspeakable grief, that your majesty should be advised to propose any thing in your Message, to which they cannot consent, with due regard to that Constitution your majesty came over to restore, and have so often exposed your royal person to preserve, and did in your gracious Declaration promise, that all those foreign forces which came over with you, should be sent back.—In duty therefore to your majesty, and to discharge the trust reposed in us, we crave leave to lay before you, that nothing conduceth more to the happiness and welfare of this kingdom, than an entire confidence between your majesty and your people, which can no way be so firmly established as by entrusting your sacred person with your own subjects, who have so eminently signalized themselves on all occasions, during the late long and expensive war."

The King's Answer.] His majesty's Answer was as follows:

"Gentlemen; I came hither to restore the ancient Constitution of this Government. I have had all possible regard to it since my coming, and I am resolved through the course of my reign, to endeavour to preserve it entire in all the parts of it.—I have a full confidence in the affections of my people, and I am well assured, they have the same in me; and I will never give them just cause to alter this opinion. As to the officers who served during the War, I am an eye-witness of their bravery, and of their zeal for my person and government; and I have not been wanting to express my sense of this to my parliament as well as upon other occasions.—I have all the reason to trust and to rely upon them that a prince can have; and I am satisfied, there is not one person among them capable of entertaining a thought, that what was proposed in my Message [illegible] the utmost of my power, to [illegible] part of a just and a good king; and as I will ever be [illegible] to my subjects, so I [illegible]."

This Answer, though it could not but please, yet it would not move the Commons from their Resolution [illegible] Dutch Guards [illegible].

[illegible] relating to the Dutch Guards, the question being put that the house do agree with the Committee of the whole house [illegible] the public Revenue; it passed in the negative [illegible].

The Commons' Address on the State of the Navy.] [illegible] the following Address [illegible] reported, [illegible] sent [illegible] by [illegible].

"Most gracious Sovereign; We your majesty's, &c. having taken into our serious consideration the State of the Navy, [illegible] humbly represent to your majesty, That the Streights Squadron not sailing till September last, was prejudicial to England, and a great mismanagement.—That the Order made by the Commissioners of the Admiralty, Sept. 12, 1695, giving [illegible] per diem, from the date of his Commission, as Commander in Chief before Sallee in 1684, till the ship Bonadventure was paid [illegible] very unreasonable, and a misapplication of the public money.—That the Victualling any of his majesty's ships by others than by the Victuallers appointed for that service, or their agents, is contrary to the course of the Navy, and may be of ill consequence.—That many new and unnecessary Charges have, in an extraordinary manner, been introduced into the Navy, contrary to the rules of the Navy, which is a great mismanagement.—That the deductions of Poundage taken by the Pay Masters of the Navy, for Slop-Clothes, Dead Men's Clothes, Tobacco, Chest at Chatham, Chaplain and Surgeon, is without Warrant, and ought to be accounted for.—That it is inconsistent with the Service of the Navy for the same person to be one of the Commissioners for executing the Office of Lord High Admiral and Treasurer of the Navy at the same time.—And that the passing any Account of Monies imprested for the contingent use of the Navy, without regular vouchers, or such other proof as the nature of the service will admit, either with or without the sign manual, is contrary to the rules and methods of the Navy, and of dangerous consequence.—All which we beg leave to lay before

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subjects: and they shut the door, for ever, as [illegible] the last standing army [illegible]. The Courtiers, however, did not fail, on this occasion, to muster their whole strength, and put in practice all the devices in their power, to gratify their master at the expence of their country: for first in order to gain time for [illegible], they moved, That a day might be appointed for taking the Speech into consideration; which being carried in the negative, and a Committee appointed to draw up an Address, representing the Reasons, why the house could not comply with his majesty's Message, they moved, in the next place, on the report of the said Address, That it might be recommitted; but were again defeated on a division of the house, by a majority of 19 voices; the Yeas being 156, the Noes 175." Ralph.

[illegible] prevented for the future."* [illegible] was as follows: "Gentlemen, I will consider [illegible] prevented or redressed; you may be assured I will take the best care I can, in relation to the Navy; the right management whereof is of so [illegible]

[illegible] Transports were laid before the house; whereby [illegible] Service 100,107*l.* 8*s.* 5½*d.* That there was [illegible]

[illegible] *tried for a Murder; and acquitted.*] March 28. [illegible] Mohun, being severally indicted for the Murder [illegible] house of peers, in a court prepared for that [illegible] till late in the evening, when the peers ad[illegible] of manslaughter; who craving the benefit of [illegible] present.

April 1. Sir George Rook presented to the house, according to order, a State of the Debt [illegible] Marines.

Certain Letters of Mr. Chivers, a Member, complained of.] April 3. A complaint was [illegible] by Henry Chivers, esq. a Member, as not only [illegible]

"London Jan. 5, 1698. Dear Will. Yes[illegible] cerning augmenting the Forces; in which my [illegible] of his country. He made a very violent [illegible] and sat late to overcome them: I do really be[illegible] he is so linked in with the court-party. If you [illegible] friends, and let them know that I shall always [illegible] elsewhere. So I remain, &c. H. CHIVERS."

"London Feb. 5. 1698. Dear Brother; I [illegible] I remain, &c. HENRY CHIVERS."

"To Mr. John Hoskins at Caine."

[illegible] jeant at arms, and passed in the negative, Yeas [illegible]

Vote thereon.] Upon the whole, the house came to the following Resolution: Resolved, [illegible] liament."

"* It was evident, that this Address was [illegible] for it was confessed by his very enemies, that a [illegible] with so much reputation, commanded. And besides it is most certain, that he charged the king in his books with much less a day for every [illegible] month." Tindal.

† In a drunken fray in Lincoln's-Inn-Fields. [illegible]

[illegible] May 4. The king came to the house of peers, and passed several bills. After which, his majesty [illegible]

"My Lords and Gentlemen; At the opening of this Parliament, I told you my opinion [illegible] the safety, honour, and happiness of the kingdom; and having nothing else to recommend to you, I had reason to hope for unanimity and [illegible] that the season of the year, as well as your [illegible] a recess. I take it for granted, you have finished all the Bills, which for the present you [illegible] to me.—If any thing should be found wanting [illegible] for discharge of the Debts occasioned by the [illegible] Poor; which were all the things I proposed to your consideration when we met first, I cannot [illegible] next winter: and I wish no inconvenience may happen in the mean time."

Then the Lord Chancellor prorogued the Parliament [illegible]

THE SECOND SESSION OF THE FOURTH PARLIAMENT.

The King's Speech on opening the Session.] Nov. 16. The parliament met at Westminster, and his majesty made this Speech to both Houses:

"My Lords and Gentlemen; I hope [illegible] common security requires a farther Provision [illegible] believe you will think it necessary to take care [illegible] cations; without which our Fleet [illegible] safe when it is in Harbour.—I cannot omit [illegible] great a number of my subjects is concerned, and wherein the honour of the kingdom, and the [illegible] future security seems to depend upon it: I [illegible] Funds, and the discharging the Debts contracted [illegible] may be so happy as to see the public Debts paid, I shall hope that no session will end, [illegible] them. While I am speaking to you on this Head, I think myself obliged to mention, with a particular concern, a Debt which is owing to [illegible] of the house of commons; These things are of such importance, that I most earnestly recommend [illegible] Lords and Gentlemen; There is nothing I could more rejoice in, than that I were not under the [illegible] Funds formerly applied to defray the Public [illegible] the Debts of the kingdom; so it is my satisfaction [illegible] demanded, is for any personal use of mine [illegible] pose for which it is designed.—I believe the [illegible] Peace, by the manifest increase of Trade, which [illegible] means in my power; probably it might receive [illegible] for the more effectual preventing and punishing [illegible] not only tend to defraud the public, but pre[illegible] is become a burthen to the kingdom, and their [illegible] in the laws already made, or in the execution [illegible] sirable, that such as are able and willing, should not want employment; and such as are obstinate [illegible]; I have a

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* "The many evidences of the declining in[illegible] curred, induced the king to transfer a considerable share of executive offices into the [illegible] broke as privy seal; Mr. Montague, against [illegible] as chancellor of the exchequer by Mr. Smith, [illegible] approaching ascendancy." Somerville.

[illegible]

raging Vice, and by declining no difficulties or [illegible]

[illegible]

another; which will not fail, by God's blessing, to make me a happy king, and you a great and [illegible]

[illegible]

"Gentlemen, My parliament have done so [illegible] occasions expressed so great a sense of their [illegible]

[illegible]

It is a justice I owe not only to my parliament [illegible]

[illegible] of them by their actions: And this rule I will steadily pursue. If any shall hereafter attempt [illegible]

[illegible] by me as my worst enemies.—Gentlemen; I [illegible]

[illegible] kindly the assurance you give me, of using your [illegible]

[illegible] give a just ground for any misunderstanding [illegible]

Motion with regard to Lord Bellamont.] [illegible]

Report of the Commissioners for taking an Account of the Irish Forfeited Estates.] The [illegible]

"The commissioners met with great difficul[illegible]

[illegible] dustriously spread and believed that their En[illegible]

[illegible] years purchase for a life, and 13 years for the inheritance, came to the full value of 2,685,138*l.* [illegible]

[illegible] land; as to the lord Romney three grants now in being, containing 49,517 acres; to the earl [illegible]

[illegible] to William Bentinck, [illegible], Baron [illegible]; to [illegible] Grant containing [illegible] Godolphin of [illegible] several [illegible] were [illegible] the estates [illegible] these [illegible] estates, [illegible] of the estates [illegible] besides [illegible] Great Seale [illegible] of Mrs. [illegible] to Mrs. [illegible] of Ossory, [illegible] and the private estates [illegible] James, except some small [illegible] to the said [illegible] containing [illegible] per annum 5,9 5l. 13s. value [illegible] 013l. [illegible] that there was [illegible] per annum [illegible] the late Susannah B[illegible], and [illegible] to Mrs. [illegible], for [illegible] that almost all the old Leases [illegible] May 1701, and then this estate [illegible] above [illegible] (Signed) Francis Annesley, John Trenchard, James Hamilton, and Henry Langford."

Dec. 18. The Commons having examined the Report, came to an unanimous Resolution, that a Bill be brought in for Applying all the Forfeited Estates and Interests in Ireland, and all Grants [illegible] to the Rents and Revenues belonging to the Crown within the kingdom, since the 13th of Feb. 1688, to the use of the public. [illegible] Grants to be [illegible] [illegible] that [illegible] the [illegible] Commons [illegible] there [illegible] Senate [illegible] to enquire [illegible] Ireland.

Debate [illegible] Commissioners [illegible] 1700 [illegible] was [illegible] Commissioners [illegible] Report [illegible] acres [illegible] which was [illegible] the [illegible] Commissioners [illegible] Report [illegible]

Mr. Speaker, Sir Richard Levinz, the [illegible] [illegible] I am concerned [illegible] to [illegible] because you have said it as [illegible]

Sir Rich. Levinz. Mr. Speaker, I [illegible] commissioners [illegible] house, and that the [illegible]

Mr. Speaker. [illegible]

Sir R. Levinz. There was a debate [illegible] Commissioners concerning [illegible] private Estate [illegible] that that Estate [illegible] not be reported, because not within [illegible] a Debate [illegible], and several reasons were [illegible] to be a Forfeiture. [illegible] reason [illegible] was, that [illegible] was the late king James's estate, and [illegible] which answer was [illegible] had forfeited it, yet [illegible] because the words [illegible] to Forfeitures [illegible] 1688. [illegible] the Commissioners, but [illegible] I was [illegible] that this was [illegible] Ireland [illegible] March 13, 1688 [illegible] king William [illegible] queen Mary [illegible] queen Mary [illegible] Feb. 13, 16[illegible] her Majesty [illegible] been conveyed [illegible] forfeited afterwards, [illegible] could not be [illegible] that estate [illegible] and queen. And [illegible] in Ireland [illegible] at Westminster [illegible] I was [illegible] the Commissioners [illegible] this was [illegible] the matter [illegible] that it was again [illegible], that that I [illegible] might be said to be [illegible]ted, and the [illegible] fare, &c.

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* See [illegible] in the reign of William 3, vol. [illegible] p. 7[illegible]

Sir R. Leving. My lord Drogheda and sir

[illegible]

had imposed upon us.

[illegible]

speak severally to it: The house has been in- [illegible]

[illegible]

this Estate was a Forfeiture, and other argu- [illegible]

[illegible]

I must confess I made answer, I know not whe- [illegible]

[illegible]

Harcourt.

[illegible]

ther?

[illegible]

have acted such a part here; otherwise I should [illegible] of so extraordinary a nature, that I could not easily have forgotten them; 'Flying in the face of the king,' is so great a reflection, and so foolish an expression, that I think I could [illegible]

[illegible] pointed by you one of your Commission, I naturally reflected upon the part I was to act in it, the many enemies I must in likelihood [illegible] them; of which I had some knowledge, having been formerly in Ireland. However, I was resolved, upon a very short notice, not only to [illegible] absence.—In discharge whereof I did act (and I hope it will appear I did so) with all imaginable integrity. And it will be my hard fortune, if after such my endeavours I should fall under [illegible] with respect to Mr. Harcourt, I do not remem- [illegible] man in his judgment; nor indeed upon any [illegible] words one whom I had received particular ob- [illegible] I never had any Letter from Mr. Harcourt, [illegible] nor indeed that related to the execution of our [illegible] end for which we were sent over, and that was [illegible] stay in Ireland. Hearing abroad of such a let- [illegible] the letters I received from any of the gentle- [illegible] but I own I am very unwilling to produce the [illegible] 'the king's face,' or that your Commission did fly in the king's face?

[illegible] was determined, I never was absent one hour, I think I may say one moment, from business, and I assure you I never heard those words, [illegible]

Mr. *Speaker.* To whom?

Mr. *Annesly.* To Mr. Trenchard. Another [illegible] with us at the bar of the house of commons [illegible] sir F. Brewster, I have as good friends as you, [illegible] swered, 'I don't fear what you can do, if you [illegible] from him; the resentments were high, and the [illegible] voured to pacify and make them friends. I own I then little suspected that sir Francis, [illegible] if I had, I should have taken more notice of what passed. There might be some other par- [illegible] please, sir, to remind me of them, I will give them the best answer I can.

[illegible] of this matter?

Mr. *Trenchard.* I was present at the debate about the private Estate, which was ma- [illegible] rectly so said; I do own there were some [illegible] derstand them. The occasion was this: my lord Drogheda, as I remember, or sir Rd. Lev- [illegible] Commissioners replied; 'My lord, we have [illegible] ing in the king's face, then our whole Commis- [illegible] has been abused by ill men; and I doubt not [illegible] have done.' More than this I do affirm, upon the reputation of a gentleman, and the word of [illegible]

Mr. *Trenchard.* 'Twas I, sir.

Mr. *Speaker.* You don't remember that M[illegible] the king's [illegible]?

Mr. *Trenchard.* I do affirm that Mr. Ha[illegible] I could not mistake it) did not say any words relating to that matter, more than that since [illegible] was known in both England and Ireland, we should be thought bribed and corrupt if we did not report it: But I am very sure he said no words dishonourable of his majesty; and if he had, I would have resented it at that time, as I [illegible] called upon others to have taken notice of it.

Mr. *Speaker.* What words did you hear said in your chamber?

Mr. *Trenchard.* A great part of the time I was in that kingdom, I was confined to my chamber being sick, which I impute in a great measure to the fatigue of our Commission, during which time I had the favour to be visited sometimes with ten or a dozen in an evening, sometimes twice the number of the people of [illegible] particulars of any one discourse I do not remember. I never treasure up what is said in private conversation; and if I did, I scorn to [illegible]

[illegible] the gentlemen have given an account of, it is [illegible] swered, 'Our Commission flies in the king's 'face?'

Mr. *Langford.* I was present when this de[illegible] was with a great deal of heat. It was objected [illegible] and was not in our Commission. It was an[illegible] discovering abuses, a flying in the king's face; [illegible] ed of, and how he was deceived in them, and [illegible] house and the kingdom should know it.

Mr. *Speaker.* What did Mr. Hamilton say?

Mr. *Langford.* I did not hear him speak [illegible]

Mr. *Langford.* No, sir, I had not the ho[illegible] had no Letter myself, nor did I see any.

[illegible]

Members. Do not ask him to that.

Mr. [illegible] purpose you are called in.

Mr. *Hooper.* Yes, I do, the whole matter seems strange to me; I have not been absent from the Board, except when I was sick at [illegible] of this Commission: nor did I hear one word [illegible] in the king's face, which I think was a great reflection upon him; and I think Mr. Tren[illegible] I am sure in substance they are the same. I [illegible] whilst I was at the board, from any member: And I believe by what conversation I had with [illegible] what was fit to be produced; and for the substance of what Mr. Annesly and Mr. Trenchard have said, I know it to be true. I never heard [illegible] confident I was present at all the debates [illegible] declare themselves against the inserting it in the report; three others that are present did as readily declare for it. So that Mr. Hamilton being in a manner solely left to determine this matter, complained that it was a great hardship upon him; for says he, my lord Ork—y is my relation and my friend, and besides I am a [illegible] well pleased if the objection had been made [illegible] weight with him; and truly, Mr. Speaker, it [illegible] missioners for above five months, but seemed to be peremptory for the reporting it, and accordingly sir Rd. Leving, and sir F. Brewster, [illegible] to the value of it at Limerick, and other places, till about five days before the power of the [illegible] that I might have some direction about that estate; and they made an order that I should [illegible] in it. And Mr. Hamilton gave this reason [illegible] have made so great a noise about this Estate, [illegible] public discourse that it will be reported; and I know the world must needs say that we are bribed and corrupted if we do it not: If it was [illegible] I will rather lose my friend, I will rather lose [illegible] relating to flying in the king's face, I affirm [illegible]

Sir *Francis Brewster*. I desire to speak a [illegible] 'flying in the king's face,' and I find the house expects I should give an account of the whole that passed then: And I beg leave to say [illegible] flying in the king's face, which my lord Drog[illegible] believe Mr. Hamilton will not deny; at the [illegible] hope it is not flying in his face; but this I must tell you, it is a villanous grant, and ought to [illegible] did not his; there he stands, let him deny it if [illegible]

Mr. *Trenchard*. Sir, it is true, I did ask his [illegible] Annesly has acquainted you: I was provoked by his opprobrious language to reply, I feared him in no capacity but as an evidence, which he took very heinously: He repeated the word evidence; he said it was below a gentleman, below a man of honour, that such a one ought [illegible] had better have stuck a dagger in his heart, [illegible] I think, Mr. Speaker, he won't resent so highly. [illegible] agreed in it) you know he is a very simple, old fellow; and though he gave the affront, you [illegible] angry with him. Truly, sir, I was conscious to myself that I was much to blame, to suffer myself to be provoked by him; and therefore, that [illegible] charged with, that I called the grant of the private Estate a villanous grant, I directly deny [illegible] that I used the word villanous I positively deny; it is a word I don't use in my ordinary conver[illegible] mouth of a gentleman, and is false.

Mr. *Speaker*. Mr. Annesly, it is understood that you received a letter from a worthy member of this house, Mr. Moore; and I think you [illegible] letters that you had received from any members; I know not whether the house will order [illegible]

Mr. *Harcourt*. I desire mine too.

Mr. *Speaker*. Mr. Harcourt would have his [illegible] there is nothing written in them that any man need decline owning. And therefore, I think [illegible] all before them, I must submit.

Mr. *Speaker*. But that gentleman desires [illegible]

Mr. *Annesly*. I have but four in my hand, [illegible]

Mr. *Sloane*. I desire he will produce mine [illegible]

Mr. *Speaker*. I think you named but three, [illegible] Mr. Moore. [illegible]

Mr. *Annesly*. I think it my duty to say something for Mr. Hamilton who is absent, and that is to assure you, that I never heard any [illegible] commission; and as for that which is said of [illegible] it; I was present at all the debates, and I do [illegible] from him, reflecting upon the king or his grants, [illegible] Francis Annesly, John Trenchard, James Hamilton and Henry Langford, esqrs.,

Resolved, "1. That the said four commissioners have acquitted themselves, in the execution of that commission, with understanding, [illegible] Reports upon the four commissioners before[illegible]

Two days after, the Bill 'For applying the [illegible] read a second time, and committed to a Com[illegible] sion, the courtiers made a motion, and caused [illegible] tee be empowered to receive a Clause for reserving a proportion of the Forfeited Estates in Ireland, to the disposal of his majesty; which [illegible] ing the said [illegible] the [illegible] or Estates [illegible] [illegible] advising and passing the said Grants was highly [illegible] curing and passing these Grants had highly failed in the performance of their trust and duty."

Resolutions on the Supply.] All this while the business of the Supply went on, and the Commons resolved, "That the sum of 76,383*l.* now remaining in the Exchequer, on account of Tonnage and Poundage, with what the Subsidy should bring in more to the 25th of Dec. should be applied towards the payment of Seamen's Wages; and that 250,000*l.* be borrowed at 5 per cent. for the same use. That 7,000 Seamen be the complement for the next year's Service; [illegible] for Bounty-Money to the Officers of the fleet; 90,000*l.* for the Extraordinary of the Navy; 300,000*l.* for Guards and Garrisons, and 25,000*l.* for the Office of Ordnance for the year 1700. They likewise made a Provision for Half-Pay to the Disbanded Officers; and laid 2s. in the pound Land-Tax."

The Resumption Bill ordered.] Feb. 6. The commons resolved to raise money to discharge the Debt due to the Army; and a motion was made and the question put, "That the procuring or obtaining of Grants of Estates belonging to the crown, by any public minister concerned in the directing or passing such Grants, to their own use or benefit, whilst the nation lay under the heavy taxes of the late War, was highly injurious to his majesty, and prejudicial to the state, and a violation of the trust reposed in them." Whereon the court-party carried it in the negative; but at the same time, they gave their consent to an order for bringing in a Bill, 'To resume the Grants of all Lands and Revenues of the crown, and all Pensions granted by the crown since the 6th of Feb. 1684, and for applying the same to the use of the public.'

Votes of the House relating to the said Grants presented to his Majesty.] Feb. 15. The commons proceeded to consider further of the State of the Nation; and upon a very hot and long debate, it was resolved, "That an Address be presented to his majesty, representing to him the Resolutions of this house of the 18th of January last, relating to the Grants of the Forfeited Estates in Ireland."

The King's Answer.] Feb. 21. The Commons in a body having waited on the king, with their Address of the 15th of that month, in relation to the Irish Forfeitures, his majesty told them:

"Gentlemen; I was not led by inclination, but thought myself obliged in justice to reward those who had served well, and particularly in the reduction of Ireland, out of the Estates forfeited to me, by the Rebellion there. The long war in which we were engaged did occasion great taxes, and has left the nation much in debt; and the taking just and effectual ways fo [illegible] [illegible] the utmost [illegible] kingdom."

The Speaker having [illegible] read his Answer, the Commons were so [illegible] by it, that they resolved, "That whosoever advised it, had used his utmost endeavours to create a Misunderstanding and Jealousy between the king and his people."

Ways and Means.] Col. Granville, (afterwards lord Granville, who was then Chairman of the Committee [illegible] who took into consideration the State of his majesty's Revenue, and resolved, "That there had been a great loss in his majesty's Revenue of Excise; and, That it be an instruction to the Committee of the whole house, to whom the Land-Tax and Irish Forfeiture bills were committed, that they receive a clause to enable his majesty, for the improvement of the Revenue, to let to farm the Duties of Excise; but no member of the house to be a farmer or manager of Excise."

March 7. The Commons voted 1000*l.* to be paid the earl of Drogheda, Francis Annesly, John Trenchard, James Hamilton, Henry [illegible]ford, esqrs; and to James Hooper, Secretary to the Commissioners; but to sir Rd. Leving and sir Francis Brewster, who had been at as much trouble as the rest, only 500*l.* each, in consideration of their Expences. They [illegible] [illegible] continued the Duties on French Goods and wines, towards raising the Supply; and ordered a Clause in one of the Money-bills for the importing, Custom-free, a certain quantity of paper for printing Dr. Alix's Ecclesiastical History. They resolved, That a Supply be granted to his majesty towards the Payment of his proportion of the Debt owing to the prince of Denmark, and the moneys to be raised to be laid out in this kingdom, and settled upon the prince and princess, and their issue, according to their marriage-agreement. That an Address be presented to his majesty, that he would use his endeavour to procure other princes and states to pay their proportions of the said Debt. They [illegible] the Coinage, for circulating Exchequer-Bills one year longer, for making good the Deficiencies of the 3s. in the pound, in the 8th year of his majesty's reign, and of the Duty on stamped Paper and Parchment, granted in the same session of parliament, [illegible] and Quarterly Poll granted in the next year, for paying off the Transport Debt, and [illegible] of the Debt due to the Navy, and [illegible] Wounded Seamen.

Address relating to Capt. Kidd.] March [illegible]. An Address was presented to the king, That Capt. Kidd might not be released [illegible] pardoned, until the next session of parliament, and that the earl of Bellamont, governor of New-England, might transmit over all Instructions and Papers taken with, or relating to number of the said Trustees be thirteen: that no person be a Trustee who had any Office or profit, or was accountable to his majesty; or was a member of this house. And that the said

Ireland; and by a Land-Tax in England for the several purposes therein mentioned: and

Proceedings of the House ordered to be print-

April 1690, relating to the Forfeited Estates;

Jan. 1690-1; the Address of the House to

house thereupon: and lastly, the Address of

solved, "That the procuring or passing exce-

this complicated Bill in the house of lords; to

was inclined; some out of complaisance to the

their lordships; resolved, That two days after,

April 9. A Conference was managed between both houses, in which the lords did warmly in-

as vehemently maintained their disagreement with their lordships. The next day two Conferences were had on the same subject, and with

locked up; and that the Serjeant should stand

Bill shall be read a second time? It was resolved in the affirmative. Contents 70; Not contents 23.

tust on which the safety, welfare, and happi-

this our protestation against a second reading

matters to a money bill, is not only contrary to

such a bill; for if the titles so many persons

be safe; which must needs be a weakening the [illegible] amendments? It was resolved in the affirmative. Contents 39; Not contents 34.

"We do dissent for the Reasons given this day to the commons at a Conference, which Reasons are as follow: 1. Because the Rea- [illegible] granted to his majesty in parliament, yet the com- [illegible] to assert a claim to their sole and entire right, not only the granting all Aids in parliament, but [illegible] only think proper: If the said assertions were [illegible] from thence, that the lords may not alter, or [illegible] sary. 3. And the lords think it unreasonable [illegible] son, or than the king may legally have; since [illegible] able considerations, might suffer equally as cri- [illegible] since it is condemning a man unheard, allowing [illegible] the forfeited estates in Ireland to be a thing [illegible] tures to any private persons, it being the sole [illegible] only; and as the contrary practice is totally [illegible] it may become of the last ill consequence to [illegible] members to serve in parliament is a thing (if proper to be meddled with at all) that hath been thought fit by the commons to be in a bill by itself; and the joining together, in a money-bill, [illegible] tive of the crown: For by this means things of [illegible] lords, nor the crown, be able to give their ne- [illegible] peace and security: And it seems a great hard- [illegible] ers of excise at the time they chose them; and [illegible] all other officers of the crown; and the ques- [illegible] ment, must needs be a doubt with the lords, [illegible] them by all the means they can; as does mani- [illegible] their books: But since they find, that such [illegible] may transmit the government and their own rights and privileges to their posterity in the same state and condition that they were derived down to them from their ancestors; they [illegible] conveniences, and conceive they are sufficient- [illegible] folk. E. M., Mohun. Haversham, Say and Seal, [illegible]

[illegible] t a native of his dominions, except his royal [illegible]

[illegible] 19th of December; and a New Parliament [illegible]

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* "The lord Sommers, during these debates, was ill; and the worst construction pos- [illegible] was ill; though his great attendance, in the [illegible] fits. Many in the house of lords, who in all [illegible] for passing this Bill, notwithstanding his ear- [illegible] ill consequences, that were like to follow, if it [illegible] of his government; not apprehending at that [illegible] redressed some of them in acts, that passed in [illegible] diverted with a malicious design. Hitherto the body of the nation retained a great measure [illegible] thought the thing was a sort of force, to which [illegible] to consent again to any tack to a money-bill, [illegible]

† "The king wrote the following Letter to [illegible] of the parliament: 'Hampton-court, May 11, '1700. It is a good while since I wrote to you 'last. The reason is, that, being always uncertain of the issue of the last session of parliament, I was unwilling to answer any of your [illegible] 'their extraordinary proceedings gave me, and 'I assure you, your being deprived of what I [illegible] 'least of my griefs. I hope, however, that I 'shall be in a condition to acknowledge the good [illegible] 'pend upon it, I shall earnestly seek occasions 'to do so. It ought to be some satisfaction to 'you, in the just resentment of what concerns 'you, that no body could blame your conduct; 'on the contrary, all appeared satisfied with it, 'and the vote, which passed in anger the last 'day, concerns you but indirectly. And I can [illegible] 'in this last session, that, without having been 'on the spot and well informed of every thing, 'it cannot be conceived. It will be impossible 'for me to continue the commission of the [illegible] 'so I have resolved to send thither the duke of [illegible]

[illegible] Feb. following †.

[illegible] An [illegible] passed against the Papists. A complaint being [illegible] growth of Popery, and a petition offered for more effectual methods to put a stop to it, a [illegible] cated in that religion, or suspected to be of it, [illegible] kin, that was a protestant; but was to return back to them, upon their taking the oaths. [illegible] popish priest, so as to convict him. Those, [illegible] hoped, that the court would have opposed it; but the court promoted the bill; so, when the [illegible] to let the bill fall; and when that could not be [illegible] some unreasonable clauses, hoping that the lords would not pass the act; and it was said, [illegible] tion in it, they, in the house of commons, who [illegible] the Jacobite account, did for this very reason, move for several alterations; some of these importing a greater severity; but the zeal against popery was such in that house, that the [illegible] and [illegible] had the royal assent.

Lord Sommers removed from Administration.] "The session being ended so much to the dis[illegible] before the king, had gained him a great share of his esteem and confidence; and it was [illegible] lay in his credit with the king, and in the pru[illegible] was much aggravated, and raised a very high complaint against him; but there was no just cause for it: When the design of the Assassina[illegible] vered, a Voluntary Association was entered into, [illegible] round the nation: In such a time of danger, it [illegible] luntarily into it, were so ill affected, or at least [illegible] mission: He had obeyed this order, upon the [illegible] creet: Yet he laid those representations before the council, and had a special order for every [illegible]

'[illegible] mand the army under him. Do not think [illegible] will take it to be so, and I know that every 'one wishes it, and believes it absolutely ne'cessary for my service. I am fully persuaded, 'as I hope that you will not refuse to accept 'of this command, nor relinquish my service. 'I assure you, I never had more occasion, than [illegible] 'fidelity. I hope I shall find opportunities to [illegible] 'and I would not engage you in this, were I 'not assured that no hurt can happen to you 'from it: but I know it will meet with a general 'approbation, and doubt not your friends will 'say the same, and I am glad to tell you, you 'have a great many and among all parties. 'WILLIAM R." See Tindal.

* "Before we leave this session of parliament, we must take notice of a passage that made at that time a great deal of noise: the [illegible] Stephens [illegible]

[illegible] utterly abolished: besides which it was re[illegible] The next day a motion being made, and the [illegible] Life of King William, vol. [illegible] p. 419.

proceed against him, a clamour and murmuring

voured to raise a dissatisfaction against him by

Tories now studied to get it infused into the king, that all the hard things, that had been of

With this the earl of Jersey endeavoured to

that, if he should bring in a set of Tories into

same zeal, and with better success, than the

Seals; and he wished, that he would make the delivering them up his own act. Upon this,

had of late done: The Seal was his greatest crime; and, if he quitted that, he should be forgiven; but, knowing what ill use would be

was resolved, with his majesty's permission, to keep it in defiance of their malice, and to stand

being serviceable to his majesty: He feared them not; and did not doubt, but, if his majesty would be as firm to his friends as they

welfare, in a new parliament. The king shook his head a little, as a sign of his diffidence, and only said, 'It must be so'[*]. However, the

the Seals as his own act. All his friends had

should send a warrant under his hand, com-

years with a high reputation for capacity, in-

be offered, would certainly accept it; but they soon found they were mistaken; for, what by

have of succeeding so great a man, both the

Trevor, to whom the Seals were offered, ex-

a vacancy in that post put things in some confusion. A temporary commission was granted

were at last given, with the title of Lord-Keeper,

the Tories, and to a new parliament."[*]

of the lords of the Bed-chamber. The king,

in his absence, set out for Holland, on the 4th

of October.

Westminster. The following is a List of the

Abingdon,

Sir Will. Hustler,

Aldborough, (Yorksh.)

Arundel,

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[*] A gentleman, who had this from the lord Sommers's own mouth, told it to Mr. Oldmixon.

[*] Tindal

[illegible],
Wm. [illegible],
[illegible].
[illegible],
Sir [illegible],
[illegible]
Banbury, (d. ret.)
Charles North,
[illegible]
Barnstaple,
Nicholas Hooper,
Arthur Champneys.
Bath,
Alex. Popham,
Wm. Blathwayt.
Beaumaris,
Coningsby Williams,
Bedford County,
Lord Russel,
Sir Wm. Gostwick.
Bedford Town,
Samuel Rolt,
William Spencer.
Bedwin,
Francis Stonehouse,
Charles Davenant.
Berkshire,
Sir Humphry Forster,
Richard Nevil.
Berwick,
Lord Grey,
Samuel Ogle.
Beverly,
Sir Michael Wharton,
Ralph Wharton.
Bewdley,
Salway Winnington.
Bishop's Castle,
Charles Mason,
George Walcot.
[illegible],
Sir Edw. Gresham,
John Ward.
Bodmin,
Francis Robarts,
John Hoblyn.
Beralston,
Peter King,
William Cowper.
[illegible],
Sir Henry Goodrick,
Sir Brian Stapleton.
Bossiney,
John Tregagle,
Francis Roberts.
Boston,
Edmund Boulter,
Sir Wm. York.
Brackley,
Charles Mordaunt,
Henry Mordaunt.
Bramber,
Thomas Stringer,
[illegible]
Brecon County,
Sir Rowland Gwynne.
Brecon Town,
Sir Jeffery Jeffreys.
[illegible],
John Gilbert,
George Balch.
Bridport,
Alex. Pitfield,
William G[illegible]
[illegible],
Robert Yates,
Sir Wm. Daines.
[illegible],
Sir [illegible],
Roger Pope.
Buckinghamshire,
Goodwin Wharton,
Lord Cheyne.
Buckingham Town,
Sir Richard Temple,
Sir Edmund Denton.
Calne,
Walter Long,
Walter Hungerford.
Cambridgeshire,
Lord Cutts,
Sir Rushout Cullen.
Cambridge Town,
Sir John Cotton,
Sir Henry Pickering
Cambridge University,
Henry Boyle,
Anthony Hammond.
Camelford,
Henry Manaton,
Dennis Glynn.
Canterbury,
George Sayer,
Henry Lee,
Cardiffe,
Sir Edward Stradling.
Cardiganshire,
SirHumphry Mackworth.
Cardigan Town,
John Lewis.
Carlisle,
Philip Howard,
James Lowther.
Carmarthenshire,
Sir Rice Rudd.
Carmarthen Town,
Richard Vaughan.
Carnarvonshire,
Thomas Bulkeley.
Carnarvon Town,
Sir John Wynn.
Castle Rising,
Thomas Howard,
Robert Walpole.
Cheshire,
Sir John Manwairing,
Sir Robert Cotton.
Chester City,
Sir Henry Bunbury,
Peter Shakerly.
Chichester,
Sir Thomas May,
William Elson.
Chippenham,
Lord Mordaunt,
Walter White.
Chipping Wycomb,
Charles Godfrey,
Fleetwood Dormer.
Christchurch,
Lord Cornbury,
William Ettrick.
Cirencester,
James Thynn,
Charles Cox.
[illegible]
[illegible],
[illegible].
Clitheroe,
Christopher Lister,
Thomas S[illegible].
Cockermouth,
William Seymour,
Sir George Fletcher.
[illegible],
Sir [illegible],
Sir [illegible].
Corfcastle,
John Banks,
Richard Fownes.
Cornwal,
Hugh Boscawen,
John Speccot.
Coventry,
Sir Christopher Hales,
Thomas Hopkins.
Cricklade,
Edmund Dunch,
Sir Stephen Fox.
Cumberland County,
Richard Musgrave,
Gilfrey Lawson.
Denbigh County,
Sir Richard Middleton.
Denbigh Town,
Edward Brereton.
Derbyshire,
Wm. Marq. of Hartington
[illegible].
Derby Town,
James Cavendish,
Sir Charles Pye.
Devizes,
Sir Francis Child,
Francis Merewether.
Devonshire,
William Courtney,
Samuel Rolle.
Dorsetshire,
Thomas Strangways,
Thomas [illegible].
Dorchester,
Nathaniel Napier,
Thomas Trenchard.
Dover,
Sir Charles Hedges
Matthew Aylmer.
Downton,
John Eyre,
Carew Raleigh.
Droitwich,
[illegible],
Charles Cocks.
Dunwich,
Sir Charles Blois,
Robert Kemp.
Durham County,
Wm. Lambton,
Lionel Vane.
Durham City,
Charles Montague,
Thomas Conyers.
[illegible],
Francis Godolphin,
Sir Henry Seymour.
Edmundsbury,
Sir Robert Davers,
John Hervey
Essex, [illegible]
Sir Charles Barrington,
Sir Francis Masham.
Evesham,
Sir James Rushout,
John Rudge.
Exeter,
Sir Edward Seymour,
Sir Bartholomew Shower
Eye,
Spencer Compton,
Sir Joseph Jekyll.
Flintshire,
Sir John Conway.
Flint Town,
Thomas Mostyn.
Fowey,
John Williams,
John Granville.
Gatton,
Thomas Turgis,
Maurice Thomas.
Germains,
John Specott,
Henry Fleming.
Glamorganshire,
Thomas Mansel.
Gloucestershire,
John Howe,
Sir Richard Cocks.
Gloucester City,
William Trye,
John Bridgman.
[illegible],
Sir Wm. Scawen,
Francis Scobell.
Grantham,
Tho. Baptist Manners,
Sir Wm. Ellis.
Grimsby,
William Cotesworth,
Thomas Vyner.
Grinstead,
John Conyers,
Matthew Prior.
Guilford,
Morgan Randyll,
Denzil Onslow.
Harwich,
Sir Thomas Davall,
Dennis Lyddell.
Haslemere,
Sir Theo. Oglethorpe,
George Woodroffe.
Hastings,
John Pulteney,
Peter Gott.
Haverfordwest,
Wm. Wheeler.
Helston,
Charles Godolphin,
Sidney Godolphin.
Herefordshire,
Sir John Williams,
Henry Gorges.
Hereford City,
Thomas Foley,
James Brydges.
Hertfordshire,
Ralph Freeman,
Thomas Halsey.
Hertford Town,
Charles Caesar,
Thomas Filmer.

Edward Ash,

Sir William Drake,

Henry Yates,

Francis Wortley,

Sir Philip Sydenham,

Ives (St.)

Robert Rolle,

Kent,

Sir Thomas Hale,

William Carey,

Sir Thomas Travers,

Sir William Norris,

Sir Robert Clayton,

Sir Thomas Powis,

Sir William Strickland,

Maldon,

James Chase

Sir John Williams,

John Rayner,

R. Cotton,

Newport (Hants)

Nottinghamshire,

Jarvas Eyre,

Thomas Northmore,

Samuel Trefusis,

Courtney Croker,

William Joliff

Preston,

Sir Cloudsley Shovel,

Sir Charles Sedley,

Sir Robert Austin,

John Michell.
[illegible]
Robert Eyre,
Sir Tho. Mumpesson.
[illegible]
Charles Cox,
[illegible]
Staffordshire,
[illegible]
Stamford,
[illegible]
Sir Edw. Hungerford.
[illegible]
Anthony Sturt,
[illegible]
Lord Robt. Russel.
[illegible]
Tewkesbury,
[illegible]
Sir Joseph Williamson,
[illegible]

Sir Godfrey Copley,
[illegible]
Francis Roberts,
[illegible]
Sir William Forester,
[illegible]
John Birch.
[illegible]

James Bertie,
[illegible]
Henry Pynnell.
[illegible]

Samuel Swift.
[illegible]
Samuel Fuller.
[illegible]
Lord Fairfax,
Sir John Kay.
York City,
[illegible]

Speaker to this Parliament, Sir Thomas Littleton.

Mr. Harley chosen Speaker.] Feb. 6. The [illegible] 100 [illegible] Speaker [illegible]

After which, his majesty made this Speech to [illegible]

"My Lords and Gentlemen; Our great mis- [illegible]

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* "The man, on whose management of the house of commons, the new ministry depended, was Mr. Robert Harley, the heir of a family, [illegible] that way; but he, not being considered at the [illegible] himself to oppose the court in every thing, and [illegible] Grants. The high party trusted him, though [illegible] terians; and he had so particular a dexterity, [illegible] which sir Thomas acquiesced in, and accord- [illegible] person proposed for Speaker, and after [illegible] e negative." Tindal.

[illegible]

[illegible] should be a further provision for the Succession to [illegible] upon this, that I cannot doubt but it will meet with a general concurrence: And I earnestly recommend it to your early and effectual con[illegible] will be such, as shall be most conducing to the [illegible] for the consideration of a New Parliament, to [illegible] in so great a conjuncture.—I must desire of [illegible] the service of the current year; and I must [illegible] that are yet unprovided for.—I am obliged fur[illegible] most especially, to be put into a good condition; and that you would also consider, what is [illegible] Regulation and Improvement of our Trade, is of so public concern, that I hope it will ever [illegible] will ease yourselves of a very great burthen; [illegible] the important matters now before you, as may [illegible] ourselves; and in my opinion nothing can contribute more to our safety at home, or to our [illegible]

[illegible] they came to this Resolution; on a division [illegible]

The King's Answer.] This Resolution was presented to his majesty by the whole house, [illegible]

[illegible] solved to merit a share in that wealth, which [illegible] resolved to clear the house of a great many, [illegible] electors engaged themselves by subscriptions to chuse a blank person, before they were trusted [illegible] East-India Company had driven a course of [illegible] example, but with this difference, that, whereas [illegible] of the new company. The examining of these [illegible] proceedings great partiality appeared; for, when [illegible]

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* "As soon as the parliament was opened, it appeared, that the French had a great party [illegible] brought more. The nation was filled with them, and in six months time a million of gui[illegible]

"I thank you for this Address*, and your ready concurrence to those great concerns mentioned, which I take to be extremely important to the honour and safety of England, and I assure you, I shall never propose any thing but what is for our common advantage and security. Having this occasion, I think it proper to acquaint you, that yesterday I received a Memorial from the envoy extraordinary of the States General, a translation whereof I leave with you. As to the first part of it, I think it necessary to ask your Advice; as to the latter part I desire your Assistance."

[*Second Commons Address.*] Upon the Report of the King's Answer, to their Address aforementioned, the Commons further resolved, "That an humble Address be made to his majesty, that he will please to cause the Treaty between England and the States General of the 3rd of March 1677, and all the renewals thereof since that time, to be laid before the house." Which his majesty commanded to be done by Mr Secretary Hedges. And the house was so well satisfied, that on the 20th they resolved, "That an humble Address be made to his majesty, that he will please to enter into such Negotiations in concert with the States-General of the United Provinces, and other potentates, as may most conduce to the mutual safety of these kingdoms, and the States General, and the preservation of the peace of Europe; and giving him assurances to support and assist him in performing the Treaty made with the States-General, the 3rd of March 1677."

[*The King's Answer.*] This Address was presented by the whole house on the 21st. And his majesty was pleased to return the following Answer.

"Gentlemen, I thank you heartily for the Advice you have given me, and your unanimous Resolution to support and assist me, in making good the Treaty mentioned in your Address. I shall immediately order my ministers abroad, to enter into negotiations in concert with the States-General, and other potentates, for the attaining those good ends which you desire. Nothing can more effectually contribute to our security, than the unanimity which you have showed [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]."

[*[illegible] [illegible] [illegible] [illegible] Earl of Melfort's Letter to the Earl of Perth.*]

Feb. 17. Mr Secretary Vernon communicated to the Commons by his majesty's order, a Letter, which came to London [illegible] day, as is supposed, in the French mail. This letter was dated the 16th Feb. N. S. and was written by the earl of Melfort to his brother the earl of Perth, then governor of the pretended prince of Wales. It contained his schemes [illegible] another Invasion, and discovered that he held a close correspondence with the earl of Arran, now duke of Hamilton. Melfort used in it many arguments, to get the earl of Middleton discarded, and recommended himself, as much fitter to be trusted.

[*Address of the Lords on the King's Speech.*] This Letter was also communicated to the house of Lords, who ordered it to be printed, and the next day presented an Address to the King, "Humbly returning their thanks and acknowledgments to his majesty for his [illegible] expressed in his Speech for the Protestant [illegible], and his care for the Nation, in recommending to their consideration the provision for the Succession to the crown in the Protestant line. They said, that being deeply sensible of the weight of what his majesty had thereby recommended to them, they could not but desire he would let [illegible] Treaties made by him, since the war, to be laid before them, that they might thereby be better enabled to give their advice. They likewise requested his majesty to enter into such alliances abroad, as he should think proper for preserving the balance of Europe, assuring him, that they would readily concur with whatever should be judged [illegible] [illegible] [illegible], the [illegible] Protestant Religion, and the peace [illegible]. Next they [illegible] thanked his majesty for communicating the earl of Melfort's letter, and desired he would [illegible] the securing of all [illegible] and other disaffected persons, and [illegible] them removed from London, [illegible] law; but especially they desired [illegible] to give directions for [illegible] [illegible] [illegible] and persons of [illegible] mentioned in the letter. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] his majesty [illegible] [illegible] for the [illegible] [illegible] [illegible]."

His majesty thanked the Lords for their [illegible] [illegible] for the [illegible] [illegible] [illegible] [illegible] [illegible] and abroad; and told them, he would [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible].

[*[illegible] [illegible] the [illegible].*] [illegible] [illegible] Mr [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] by law established, [illegible] necessary, a further Declaration be made of the Limitation and Succession of the crown, in [illegible] that the former [illegible] Security [illegible] Liberties [illegible]

---

* "A Clergyman was [illegible] the [illegible] [illegible] [illegible] to [illegible] the [illegible] Address [illegible] that he would [illegible] King [illegible] [illegible] the [illegible] was so [illegible] [illegible] the words of the Vote, [illegible] to the [illegible] of the house. But Mr M[illegible] with great [illegible], and [illegible] That [illegible] was [illegible] [illegible] vote would be [illegible] owning the pretended prince of Wales." Tindal.

The [illegible] Bill of Succession.] March 12. Mr [illegible] of this kingdom, which are properly cognizable [illegible] son whatsoever, that is not a native of England, Scotland or Ireland, or the dominions thereunto belonging; [illegible] further limitation of the crown, in case the same shall hereafter come to any person not being a native of this kingdom of England, this nation be not obliged to engage in any War, for the defence of any dominions [illegible] not [illegible] crown of England, without the consent of parliament. 4. That whosoever [illegible] peachment in Parliament. 5. That no person [illegible] England, Scotland, or Ireland, without consent [illegible] 7. That no person that has any Office under the king, or receives a Pension [illegible] ing as a member of the house of commons. [illegible] laries ascertained and established; but upon [illegible] declared the next in Succession to the crown of England in the Protestant Line, after his majesty and the princess [illegible] bodies respectively; and that the further limitations [illegible] tants. 11. That a Bill be brought in upon the said Resolutions.

The King's Message relative to the Partition Treaty.] [illegible] was delivered [illegible] Secretary Vernon:

"W. R. His majesty having directed Mr. Stanhope, [illegible] plenipotentiary at the Hague, to enter into Negotiations in concert with the States-General of the United Provinces [illegible] effect: and the said Mr. Stanhope having transmitted to his majesty, Copies of the Demands made by himself and the Deputies of the States [illegible] sador there; his majesty hath thought fit to [illegible] from time to time with the State and Progress of those Negotiations, into which he has entered [illegible] 17th [illegible]

[illegible] tion to it, the Treaty of Partition: and after [illegible] the Treaty of Partition be read; and after [illegible] majesty; to return the Thanks of this house for his gracious Message, wherein he is pleased to [illegible] of this house." And also to lay before his majesty [illegible] of Spain's Dominions were to be delivered up [illegible]

[illegible] resent the unkindness of it; and thought there [illegible] Answer:

"Gentlemen; I am glad you are pleased [illegible] Negotiations I have entered into, pursuant to your Address; I shall continue to inform you [illegible] thereupon; being fully persuaded, that nothing [illegible] my Negotiations, and a good understanding between [illegible]

The Partition Treaty debated in the House of Lords.] March 14. The Lords taking the Partition-Treaty into consideration, some days after, [illegible] Portland's [illegible] his lordship however [illegible] himself by saying, That the duke of Leeds, the earls of Pembroke, Jersey and Marlborough, the lords Somers and Halifax, and Mr Vernon, had been consulted in that Negotiation as well as himself; whereupon the peers his lordship had mentioned, made acknowledgment, that they had, indeed, seen the rough draught of the Treaty, but that the earl of Portland had drawn it up by himself and the French ministers; as for themselves, that they had neither given, nor refused their consent to it; because the Treaty was never communicated to the privy-council. Upon this occasion the marquis of Normanby made an eloquent speech, which was generally applauded; and because some peers had spoke very reflectingly of the king of France, the earl of Rochester took them up, and said, That all men ought to speak respectfully of crowned-heads, and that this duty is more particularly incumbent on the peers of a kingdom, who derive all their honour and lustre from the crown. This was backed by another earl, who said, That the king of France was not only to be respected, but likewise to be feared: To which another member replied, That he hoped, no man in England needed be afraid of the French king; much less the peer who spoke last, who was too much a friend to that monarch to fear any thing from him.

Message to the Commons relative to the said Treaty.] After a long and warm debate, the lords sent a Message to the commons, to acquaint them, "That there having been lately a Treaty made with France, extremely dangerous in itself, and transacted also in a most irregular manner, the lords had thought fit to communicate it to the commons, and to desire them to appoint a Committee for meeting a committee of the lords, in order to their joint consideration of some method to be used in making such an application to his majesty about this matter, as might for the future prevent any proceedings of this kind." At the same time, the lords desired the commons, that Mr. Vernon, one of their members, might come to a Committee of the upper house, to give an Account of some matters relating to the Treaty of Partition, which the commons readily granted.

Facts respecting the Treaty of Partition stated.] March 15. The earl of Nottingham reported from the Committee appointed to draw up and state the Facts, as to the Treaty of Partition, that they had thought proper to set down several Facts as appeared to them. And the second Head being read, viz. 'That the 'emperor was not a Party to this Treaty, 'though principally concerned,' The question was put, Whether this paragraph shall stand? It was resolved in the negative. Contents 31; Not contents 40.

Protests thereon.] "Dissentient' 1. Because it is evident by the Treaty itself, that the matter of fact is true. 2. Because the emperor, as we conceive, had been the most proper to have treated with on this occasion, for it was more prudent and safe to have treated with the emperor to have restrained the pretensions of France, than with France to lessen the dominion of the house of Austria, which, in its full strength, and in conjunction with the most considerable powers in Europe, and with the expence of more than sixty millions sterling to our share, was scarce able to withstand the arms of France. 3. But, admitting that the emperor was not the most proper to be treated with, yet, to prevent the advantage that might be taken by uniting two mighty dominions under one prince, especially such a prince as, without any additions, was formidable to all Europe, of all others the emperor was the most improper to be left out of such a treaty, for he was most concerned in it; and our ministers could not, or at least did not, sufficiently support his interest, or the just balance of Europe; but, on the contrary, as we are informed, by one of those who signed the treaty, it was concluded against the express desire of the emperor. Signed, De Longueville, Howard, Thanet, Craven, Hereford, Tho. Roffen, Granville, Scarsdale, Jeffreys, Leeds, Weymouth, Abingdon, Normanby, Guilford, Nottingham, Poulett."

Then the third Head was read, viz. 'That 'no minister of the States-General met with 'the Plenipotentiaries of England and France, 'as were required by the powers at the making the treaty in London.' The question was put, Whether this paragraph shall stand? It was resolved in the Negative.

"Dissentient' 1. Because the truth of this proposition is reason enough for asserting it, and it must certainly be of fatal consequence, if ministers without any directions by instructions in writing, shall presume to act contrary to the very commission that empowers them; and, in this case, the assistance of the Dutch ministers was the more necessary, because the emperor was no party to this treaty, and the States General are more immediately concerned, than we are, to promote his interests. 2. But if this treaty was concerted with the Dutch ministers in 1699, before his majesty's return into England, as was asserted by one of the lords who signed it afterwards in London, then, 1st, This treaty was made by those who had no authority to transact it, for the power was not granted by his majesty till the 2d of January following. 2dly, As they acted without power, so without instructions too in writing, which never was practised in any former transactions abroad. Lastly, We conceive, that neither of the foregoing facts ought, in reason, or according to the method of parliament, to be ordered to be omitted, because, till the committee had formed the address, pursuant to the order, it was impossible to know what use would be made of those facts; for as they might have been improperly applied, and then would have been wisely rejected, so there might have been so great use made of them, and so apposite to the design of the house, in the intended address, that it would be improper to omit them. (Signed) Thanet, Leeds, Tho. Roffen, Hereford, De Longueville, Granville, Craven, Weymouth, Normanby, Howard, Jeffreys, A- [illegible]"

March 18. After debate concerning the Treaty of Partition, it was proposed, "That it [illegible] the Will of the king of Spain is a manifest violation of the Treaty, and humbly to advise the [illegible] as may carry along with it a real security." [illegible] mittee to be one of the Heads for the Address? [illegible]

"Dissentient' 1. Because it must be construed to be an approbation of the Treaty, [illegible] the house. 2. [illegible] the full meaning and extent of 'real security.' [illegible]"

[illegible] lords resolved to set out this whole matter in an Address to the king, [illegible] ton moved an addition to the Address, 'That, whereas the French king had broke that Treaty, they should advise his majesty to treat no more with him, or rely on his word, without a real security.' [illegible] who were against engaging in a new war: they said, all motions of that kind ought to come [illegible] e on the breaking of a treaty, which they [illegible] to the words 'real security' as ambiguous; but the majority of the house agreed to it, for there [illegible] that they could not be relied on without a good [illegible] impeach some lords, who had been concerned in the Partition Treaty; for it was moved to [illegible] currence, but that was not carried. The Address was to this effect:

[illegible] and safety of Europe; for that, besides the oc- [illegible] that treaty had ever been laid before his majesty, [illegible] him and his people a just assurance of their fide- [illegible] he would be pleased to constitute a council of [illegible] fection to their country would incline them, to [illegible] than others, who had no such ties upon them; [illegible] than strangers of advising his majesty in the [illegible] majesty, in future treaties with that prince, to [illegible]

[illegible] of March, to his majesty, who answered, "That [illegible] ties he made, should be for the honour and [illegible]"

[illegible] Ambassador's declining to give a satisfactory [illegible]

"W. R. His majesty having received an Account from Mr. Stanhope, his envoy extra- [illegible] ral of the United Provinces, than that he is ready to renew and confirm the Treaty of Ryswick, it being all the security the States are to expect, and that he has no orders to give any Answer to his majesty's said envoy; but if his majesty has any thing to demand, it may be done by his ambassador at Paris, or to the French minister at London; and that he has no commission to treat with any but the States. And his majesty having also received two Resolutions of the States, and a Memorial from their envoy here, relating to the Ships they are sending to join his majesty's Fleet, and that the succours they demand may be hastened to them, by virtue of the Treaty made the 3rd of March, 1677: His majesty has thought fit to communicate the whole to this house, that they may be particularly informed of the present State of Affairs abroad, where the Negotiations seem to be at an end, by the positive Answer the French ambassador has given to the States. Which his majesty recommends to the serious consideration of this house, as a matter of the greatest weight and consequence; and desires that they will give his majesty such Advice thereupon, as may be for our own security, and that of the States General, and the peace of Europe. Kensington, 31st March 1701."

The humble Advice of the Commons thereon.] April 2. When this Message was taken into the consideration of the house, they resolved, nem. con. "That the humble Advice of this house be given to his majesty, to desire, that his majesty will be pleased to carry on the Negotiations in concert with the States General, and take such measures therein as may most conduce to their security; and that his majesty will pursue the Treaty made with the States General the 3rd of March, 1677, and to assure his majesty, that this house will effectually enable him to support the said Treaty of 1677."

The King's Answer.] When this Resolution of Advice was presented to his majesty, Mr. Secretary Hedges reported his majesty's Answer to this effect:

"That according to the Advice of the house of commons, his majesty has given Orders to his envoy extraordinary at the Hague, to carry on the Negotiations in concert with the States General, and to take such measures therein, as may most conduce to their security. His majesty thanks you for the assurance you have given, that this house will effectually enable him to support the Treaty of 1677, and will pursue the same as you advise. He does not doubt, but the readiness you have shewn upon this occasion, will very much contribute to the obtaining such a security as is desired."

The Earl of Portland impeached.] April 1. The commons resolved, "That William earl of Portland, by negotiating and concluding the Treaty of Partition, (which was destructive to the Trade of this kingdom, and dangerous to the peace of Europe) is guilty, and shall be impeached, of high Crimes and Misdemeanors." And they ordered sir John Leveson Gower to go up to the lords, and at their bar to impeach the said earl, and to acquaint their lordships, that they will in due time exhibit particular Articles against him.

Paper delivered to the Lords at a Conference.] They then desired a Conference with the lords upon matters relating to the Treaty of Partition; at which Conference the commons delivered this Paper to the Lords:

"It appearing by your lordships Journal that your lordships have received Information of some transactions between the earl of Portland, and Mr. Secretary Vernon, relating to the Partition of the Spanish monarchy, the commons having the said matter under their consideration, desire your lordships will be pleased to communicate to the commons what Informations your lordships have had, of any Transactions relating to any Negotiations or Treaties of Partition of the Spanish monarchy, by Letters, or otherwise. And the commons are fully assured, that your lordships will readily concur in assisting them in this enquiry, which they conceive absolutely necessary for the safety and honour of this kingdom, and the preservation of the peace of Europe."

Upon this the lords ordered the two Latin Commissions of Powers granted to the earls of Portland and Jersey, for negotiating the said treaties, one dated the 1st of July, 1699, the other on the 2nd of January, 1700, as also a private Paper of the lord Portland's running thus:

"At the beginning of the Summer of 1698, when I was in Holland, at my country house, and when the king would have me concerned in the Negotiation of this Treaty with the emperor, the French king, and the States, being very unwilling to meddle with business again, from which I was retired, before I would engage myself, I advised with my friends in Holland and writ into England to Mr. Secretary Vernon, as my particular friend, whether it was advisable for me to engage in any business again? To which Mr. Vernon answered in substance, That this would not engage me but for a little while: that I being upon the place, and generally acquainted with the foreign ministers, it would be easier for the king, and more proper for me to be employed in it, than any body else, that must be otherwise sent for on purpose."

The Lord Sommers impeached.] The next person whom the commons intended to call upon, was John lord Sommers, late lord Chancellor of England, on whose judgment and fidelity the king had very much relied: his lordship being sensible of the storm that was coming on, desired the earl of Portland, with leave of the house, to declare if he pleased, Whether the lord Sommers's name was mentioned in the Letter he received from Mr. Secretary Vernon? The earl of Portland stood up and declared, "That if he had remembered any such thing in the Letter, and had not inserted it in the Paper which he had delivered to the house, he should have thought he had deceived the house."

April 15. [illegible] heard the house was upon a debate concerning him, he desired that he might be admitted in and heard: this was granted, and a chair was [illegible] chair provided for him; and his lordship was heard what he had to offer to the house, which [illegible] vent a new war, but to accept of the proposition, which the French made for a Partition. [illegible] and to give him both his own opinion and theirs [illegible] other ministers thought, that a treaty ought not to be made upon such a project, then the [illegible] taking too much upon himself if he should have put a stop to a treaty of such consequence. If [illegible] not ordered to do it by a warrant in full form, he could not have justified that, since the king's [illegible] fully to his majesty, objecting to many particulars, if there was room for it, and proposing [illegible] as he was a chancellor, he had executed his [illegible] the king's letter, which was a real warrant, though not a formal one; that he had indeed [illegible] sent for his own security; but he did not think [illegible] want of a point of form, in so critical a time, [illegible] fore his admission, 'Who had informed him, that there was a debate in the house about [illegible] strangely surprised at a question, that he never [illegible] upon earth, rather than do such a dishonest [illegible] immediately, and desired to leave with the [illegible] such a length, that the impression, which his [illegible] is guilty of a High Crime and Misdemeanor." [illegible]

[illegible] Hallifax; and was carried on two several divi[illegible] Orford, by 193 against 148; and against lord [illegible]

The King's Letter to Lord Sommers.] The [illegible] commons a copy of the Letter which he had [illegible] majesty, upon occasion of that Treaty: both which are here inserted.

"At Loo, 15-25 of August, 1698.—I im[illegible] France there was expressed to my lord Portland [illegible] us, concerning the Succession of the king of [illegible] impart them; to the end that I might know [illegible] to be; and the least accident may carry him off every day. [illegible] yours of the [illegible] Since Lord Williamson cannot at this time leave England, I must make use of some other to send [illegible] to Spain, if you consider this to be proper, let me know it, and be always assured of my friendship.

William *Rex*."

The Lord Sommers's Answer.

"Tunbridge Wells, 28th August, 1698, O. S. Sir; I had your majesty's permission to try if the waters would contribute to the re-establishment of my health, I was just got to this place, when I had the honour of your commands. I thought the best way of executing them would be to communicate them to lord Orford, Mr Montague, and the duke of Shrewsbury, who, I hope, my Lord Portland has assured your majesty, had been made acquainted at that time with the subject of my Lord Portland's Letter, at the same time letting them know how strictly your majesty required it should remain an absolute secret. Since that time, Mr Montague and Mr Secretary are come down hither, and upon the whole discourse, three things have principally occurred, to be humbly suggested to your majesty. 1. That the entertaining a Proposal of this nature, seems to be attended with very many ill consequences, if the French did not act a sincere part: but we were soon at ease as to any apprehension of this sort, being fully assured your majesty would not act but with the utmost nicety, in an affair wherein the glory and safety of Europe were so highly concerned. The second thing considered, was the very ill prospect of what was like to happen upon the death of the king of Spain, in case nothing was done previously towards providing against that event, which seemed probably to be very near; the king of France having so great a force in such a readiness, that he was in a condition to take possession of Spain, before any other prince could be able to make a stand. Your majesty is the best judge whether this be the case, who are so perfectly informed of the circumstances of parts abroad. But so far as relates to England, it would be want of duty not to give your majesty this clear Account, That there is a deadness and want of spirit in the nation universally, so as not at all to be disposed to the thought of entering into a new War; and that they seem to be tired out with Taxes to a degree beyond what was discerned, till it appeared, on the occasion of the late elections. This is the truth of the fact, upon which your majesty will determine what resolutions are proper to be taken. That which remained, was the consideration what would be the condition of Europe, if the Proposal took place. Of this we thought ourselves little capable of judging; but it seemed that if Sicily was in the French hands, they will be entire masters of the Levant trade; that if they were possessed of Final, and those other sea-ports on that side, whereby Milan would be entirely shut out from relief by sea, or any other commerce, that Duchy would be of little signification in the hands of any prince: and that if the king of France had possession of that part of Guipuscoa, which is mentioned in the Proposal, besides the ports he would have in the Ocean, it does seem he would have as easy a way of invading Spain on that side, as he now has on the side of Catalonia.—But it is not to be hoped that France will quit its pretences to so great a Succession, without considerable advantages; and we are all assured, your majesty will reduce the terms as low as can be done, and make them, as far as is possible in the present circumstances of things, such as may be some foundation for the future peace of Christendom. [illegible] be brought to pass that England might at the same time be a gainer by this transaction, whether by the cession of Buenos Ayres, which is a great [illegible] your majesty's [illegible] or by coming to an agreement as to the Trade to the Spanish Plantations, or in any other manner, it would wonderfully endear your majesty to your English subjects. It does not appear, in case this Negotiation should proceed, what is to be done on your part in order to make it take place, whether any more be required than that the English and Dutch should sit still and France itself see it executed; and if that be so, what security ought to be expected, that if, by our being neuter, the French be successful, they will continue the observance of the terms of the Treaty, and not attempt to make farther advantages of their success? I humbly beg your majesty's pardon that these thoughts are so ill put together. These waters are known to discompose and disturb the head, so as almost totally to disable one from writing. I should be extremely troubled if my being from London has delayed the dispatch of the Commission one day. Your majesty will be pleased to observe that two persons (as the Commission is drawn) must be named in it, but the powers may be executed by either of them. I suppose your majesty will not think it proper to name Commissioners that are not English, or naturalized, in an affair of this nature. I pray God give your majesty honour and success in all your undertakings. I am with the utmost duty and respect, sir, &c."

"P. S. The Commission is wrote by Mr Secretary, and I have had it sealed in such a manner, that no creature has the least knowledge of the thing, besides the persons named."

The Commons' Address to remove the impeached Lords from the King's Presence and Council.] April 23. The Commons, in pursuance of Resolutions taken the 15th instant, this day presented the following Address to the king:

"Most gracious Sovereign; We your majesty's most dutiful and loyal subjects, the Commons in parliament assembled, do humbly crave leave to represent to your majesty, the great satisfaction we have from our late Enquiry of this nation; and who, to avoid the censure

of your council, entered into that Treaty, and

for ever; as also William earl of Portland,

“I am willing to take all occasions of thank-

have frequently given me, and now repeat, of

so much as a good correspondence between

to improve that mutual trust and confidence

“We your majesty's most loyal and dutiful

A Message from the King concerning the Ne-

Mr. Secretary Hedges:

a Letter from the States-General, which is of

who has so perfect a knowledge of their coun-

sures they now lie under, which are particu-

his majesty does not doubt, but this house will

consideration; it being most evident, that the

Vote thereon.] This Message was the next

mons; and they unanimously Resolved, “That

not only displeased the king, but given a gene-

derstood; the old East-India Company, though they hated the ministry that set up the new,

that county, in a dislike of the conduct of the [illegible] the 29th of April, in the thirteenth year of [illegible] over England, &c.

"We the Gentlemen, Justices of the Peace, [illegible] of this kingdom, and of all Europe; and con- [illegible] the experience of all ages it is manifest, no [illegible] able to create a misunderstanding among our- [illegible] never, without the blackest ingratitude, be for- [illegible] able house to have regard to the voice of the [illegible] effectually provided for, that your loyal Ad- [illegible] to assist his Allies before it is too late. And [illegible]"

[illegible]

The Gentlemen who delivered it, are, com- [illegible] the house on the 8th of May, and Mr. William Colepepper, Mr. Tho. Colepepper, Mr. David [illegible] at the bar, and their hands to the same. Then [illegible] house Resolved, "That the said Petition was [illegible] subvert the established government of these realms." And then Ordered, "That all those [illegible] ed, did behave themselves disorderly; the Ser- [illegible] direction of the house concerning them. [illegible] livered prisoners to the Gate-house; and [illegible] Proclamation for apprehending Mr. Colepep- [illegible] Mr. Colepepper made a voluntary surrender [illegible]

[illegible] to a Letter, supposed to be drawn by Daniel de Foe, intitled, 'A Memorial from the Gentlemen, Freeholders, and Inhabitants of the Counties of ——, in behalf of themselves and many thousands of the good people of England, and signed Legion.' This was sent to [illegible]

"Mr. Speaker; The enclosed Memorial you are charged with in the behalf of many thousands of the good people of England. There is neither Popish, Jacobite, Seditious, Court or Party-Interest concerned in it; but Honesty and Truth. You are commanded by two hundred thousand Englishmen, to deliver it to the house of commons, and to inform them that it is no banter, but serious truth; and a serious regard to it is expected; nothing but Justice and their Duty is required; and it is required by them, who have both a right to require, and power to compel, viz. the People [illegible] house strong enough to oblige them to hear us, but we have avoided any tumults, not desiring to embroil, but to save our native country. If you refuse to communicate it to them, you will find cause in a short time to repent it.

'To Robert Harley, esq.
'Speaker to the House of Commons.
[illegible]"

The Memorial.

"To the Knights, Citizens, and Burgesses in Parliament assembled.

[illegible] ——, in behalf of themselves, and many thousands of the good People of England.

'Gentlemen; It were to be wished you were [illegible]

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* The Kentish gentlemen were ably vindicated in a piece, printed in 1701, and reprint- [illegible] 'Jura Populi Anglicani: Or, the Subjects Right of Petitioning set forth; occasioned by the Case of the Kentish Petitioners. With some [illegible] right of imprisoning.' For a copy of this cu- [illegible] XVII.

[illegible]

‘ behaviour.

[illegible]

‘ trajuticial methods. You are not above the

[illegible]

‘ you may not be pleased with. When the

[illegible]

‘ bursed out of the next Aids, if the Funds fall

[illegible]

‘ ments.

[illegible]

‘ 5. Young people guilty of Bribery and all

[illegible]

‘ of law.

[illegible]

‘ honour of Parliaments.

[illegible]

‘ nation.

[illegible]

‘ the law, which esteems every man a good

[illegible]

of the house, and setting up to bully your sovereign, contrary to the intent and meaning of the Freedom of Speech, which you claim as a Right: is scandalous to Parliaments, undutiful and unmannerly, and a reproach to the whole nation.

‘12. Your Speaker exacting the exorbitant rate [illegible] the Printer encouragement to raise it on the people, by selling them at 4*d.* per sheet, is an illegal and arbitrary Exaction, dishonourable [illegible]

‘13. Neglecting to pay the nation's Debts, compounding for Interest, and postponing Petitions, is illegal, dishonourable, and destructive of the public faith.

‘14. Publicly neglecting the great work of Re[illegible] to it by the king, to the great dishonour of God and encouragement of Vice, is a neglect of your duty, and an abuse of the trust repos[illegible]

‘15. Being scandalously vicious yourselves, both in your Minds and Religion, lewd in life, and erroneous in Doctrine, having public Blasphemers, and impudent Deniers of our [illegible] them unreproved and unpunished, to the infinite regret of all good Christians, and the just abhorrence of the whole nation.

‘Wherefore, in a sad prospect of the impending ruin of our native country, while [illegible] and Defence of our Laws and Constitution) [illegible] prevailing Party, we do hereby claim and declare:

‘1. That it is the undoubted Right of the [illegible] tives in parliament do not proceed according to their duty, and the people's interest, to inform them of their dislike, disown their actions, and to direct them to such things as they think fit, either by Petition, Address, Proposal, Memorial, or any other peaceable way.

‘2. That the house of commons, separately, and otherwise than by Bill legally passed into an Act, have no legal power to suspend, or dispense with, the laws of the land, any more [illegible]

‘3. That the house of commons have no [illegible] address the king to cause any person, on good grounds, to be apprehended; which person [illegible] the Habeas Corpus Act, and be fairly brought to a Trial by due course of law.

‘4. That, if the house of commons, in breach of the Laws and Liberties of the people, [illegible] act negligently, arbitrarily and illegally; it is the [illegible] Right [illegible] to call them to an account for the same; and by Convention, Assembly, or Force, may proceed against them as Traitors and Betrayers of their country.

‘These things we think proper to declare, [illegible] land, whom you serve. And in pursuance of [illegible] present circumstances, (as the person sent is less than the sender) we do publicly protest [illegible]

‘1. That all the public just Debts of the nation be forthwith paid and discharged.

‘2. That all persons illegally imprisoned, [illegible] and the Liberty of the Subject recognized and restored.

‘3. That John How aforesaid, be obliged to ask his majesty pardon for his vile reflections, or be immediately expelled the house.

‘4. That [illegible] taken into consideration, the Succession of the emperor to the crown of Spain supported, and our Protestant neighbours protected as the true interest of England, and the Protestant Religion requires.

‘5. That the French king be obliged to quit [illegible] declare War against him.

‘6. That suitable Supplies be granted to his majesty, for the putting all those necessary things in execution; and that care be taken, that such Taxes as are raised, be more equally assessed and collected, and scandalous Deficiencies prevented.

‘7. That the Thanks of the house may be given to those Gentlemen, who so gallantly [illegible] Petition [illegible] dalously used for it.

‘Thus, Gentlemen, you have your duty laid before you, which it is hoped you will think of: but if you continue to neglect it, you may expect to be treated according to the resentments of an injured nation; for Englishmen [illegible] to Kings.

“Our Name is LEGION:

“And we are MANY.

‘P. S. If you require to have this Memorial signed with our names, it shall be done on your first orders, and personally presented.’

[illegible] mittee was appointed to draw up an Address to [illegible]

[illegible]

Difference between the two Houses upon the Matter of Impeachments.] May 5. To return to [illegible] a serious intention to prosecute the Charges [illegible]

"Mr. Speaker; The Lords have commanded [illegible] the 1st day of April last, sent up to their lord- [illegible] cerned, and agreeable to the methods of a par- [illegible]

The Commons sent for Answer, That Articles [illegible] and in a short time should be sent up to the [illegible]

[illegible] Impeachment:

"ARTICLES exhibited by the knights, citizens, [illegible]

I. "That whereas, for many years past, there hath been a long and expensive War, [illegible] people of England; the said Earl, being then [illegible] good of the public, and taking advantage of [illegible] War, in violation of his duty and trust, hath procured from his majesty one or more Grant or Grants, of several manors, messuages, lands, [illegible] within his majesty's dominions, of a great [illegible] Money, to be made to him, or others in trust for him, but to his use, the profits whereof he now enjoys; whereby the standing Revenues [illegible] burthened with debts, and subjected to grievous [illegible]

II. "That, in breach of the trust reposed in him, whilst he was Commander in Chief of the [illegible] the said Earl did receive great sums of the public money, issued out to him for the service of the Navy, which he hath converted to his own private use, and unlawfully and unjustly procured a privy seal or privy seals to discharge [illegible] without giving a due and legal Account there- [illegible] couragement and discredit of the public service.

III. "That he the said Earl, while he was in several ports belonging to the king of Spain's [illegible] others, considerable sums of money, and great [illegible] same, [illegible] the Fleet, to a very great value, for all which he ought to have accompted; but the said Earl did convert the same to his own use, and [illegible] Provisions, [illegible] for furnishing the Navy with fresh provisions; and that, for the advancing his own private interest, and [illegible] Accompts [illegible] the said War, procured, enjoyed, and possessed, divers [illegible] which were [illegible] one and the same person, and which ought to be, and by the [illegible] Check one upon the other, in breach of the said laws, to the dishonour of his majesty, and prejudice of his people.

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* "On the day before the Memorial was de- [illegible] put the several Presenters of the Kentish Petition out of the commission of the peace: and [illegible] jeant, surrendered himself: whence a report prevailed, That he had brought this packet out of Kent; and that the whole country were at his heels to make it good; which proved to be [illegible] the house, a Complaint was made, of endea- [illegible] to disturb the public affairs: and it was ordered thereon, That a Committee be appointed, [illegible] the kingdom; and humbly to beseech his ma- [illegible] consisted of 53 persons: they were to meet [illegible] rected to sit *de die in diem*: but, having thought better of it, no Report was called for, and [illegible]

IV. "That he the said Earl, within the time aforesaid, hath clandestinely, contrary to the Laws [illegible] Vessels, with their ladings and cargo, taken, [illegible] use; well knowing, if they had been condemned, [illegible] part of the value thereof, the Customs and [illegible]

V. "[illegible] the Commissioners for executing the office of Lord High Admiral [illegible] committed in the South East Seas, to the destruction [illegible] have Letters of Marque granted to them, [illegible] charge) to suppress such pirates: but the said Earl [illegible] and rejected their request and proposal; and in some short time after, jointly with others, did procure a Commission for one Wm. Kidd; as likewise a Grant under the great seal of England, to and for the use of him the said Earl and others, of the Ships and Goods of certain persons therein named, and also of all Goods found on board the said ships: and the said Company, having intimation of a Commission granted to the said Kidd, being apprehensive of the ill consequences of the same, did apply themselves to the said Board of Admiralty, desiring to know what Powers and Instructions were given; but such their reasonable request was denied; and Kidd, who was known to be a person of ill fame and reputation, ordered to pursue the intended voyage, in which he did commit divers Piracies and Depredations on the high seas, [illegible] encouraged through the hopes of being protected by the high station and interest of the [illegible] interruption and discouragement of the Trade of England.

VI. "That the said Earl, within the time aforesaid, when [illegible] was discovered against his majesty's sacred person and the kingdom [illegible] Invasion, did his utmost endeavour to prejudice [illegible] without the privity of the other Commissioners [illegible] a great number of able seamen, levied and pro[illegible] by the enemy.

VII. "That the said Earl, during the said War, and at a time of the greatest exigency [illegible] in him, procure a grant or order for his majesty's [illegible] for the service [illegible] be employed in a private voyage and undertaking, [illegible] concerned with him; in pursuance whereof, and for their private gain, the said ship was, [illegible] to the weakening the Navy, by rendering the said ship unserviceable, and the increasing the Debts of the public.

VIII. "That the said Earl, during the time of his commanding the [illegible] did, through neglect and in contempt of orders, [illegible] danger the said Navy; and that, during the time aforesaid, having had an opportunity [illegible] of taking or destroying the ships of the French king, the said Earl, contrary to advice, in disobedience to orders, and in neglect of his duty, did suffer and permit the said ships to return safe into their own harbours.

IX. "That the said Earl, well knowing our sovereign lord the king to have been engaged in several Alliances with the emperor of Germany and other princes and states, particularly in a Treaty concluded with his Imperial majesty, in the year of our Lord 1689; the end

before in like cases, or, as the said Earl is informed, hath been since allowed: and to the latter part of the said Article saith, That, for the moneys by him received as Treasurer or Receiver-general of the Navy, he hath already delivered in his Accompts, and is ready to [illegible] the same according to the [illegible] to [illegible] with [illegible] order to be passed; and saith, after just allowances had, he doth not believe he shall appear to be indebted upon the said Accompts; and also denies that any persons are sufferers for want of their dues in respect of the said Accompts, or that the public service is, or hath been, any ways damaged or obstructed thereby, as in the said Article is alledged.

III. "To the Third Article, the said Earl answereth, and denies that he received any Moneys whatsoever from the king of Spain, or any other person, as in the Article is alledged; and saith, That what wine, oil, or other provisions, were received from the king of Spain, or any others, for the Fleet, were duly delivered and distributed amongst the officers and seamen [illegible] in the Navy with [illegible] also deny that he the said Earl did enjoy any Offices [illegible] devised) one with the other, or which were, or ought to be, Checks one upon the other; or that he any ways secured or pretended to secure himself from rendering any Account to the public, by any office or offices whatsoever; or that he is guilty of the breach of any laws, to his knowledge, [illegible] offices, or ever executing the same, to the dishonour of his majesty [illegible] his people, as in the said Article is alledged.

IV. "To the Fourth Article, the said Earl answereth, and saith, He [illegible] Prizes taken in the late War were appropriated as by [illegible] provided, but denies that he did, at any time, sell or dispose of any vessel or vessels, or their ladings or cargo, taken, as or under the pretence of Prize, by [illegible] without condemnation or judicial proceedings, or [illegible] vessel or vessels, or their lading or cargo, taken, as or under pretence of Prize, by any of his majesty's ships of war, to his own use; but, on the contrary, did, from time to time, in his stations give orders that the Prizes taken [illegible] answered as the law directs; and therefore [illegible] that the nation hath been no ways endamaged, or the debts of the nation increased [illegible] of the said Earl.

V. "To the Fifth Article, the said Earl saith, That the East India Company, about the beginning of March 1696, did apply to the Admiralty Board, of which the said Earl was one, to empower their ships [illegible] take all pirates infesting the seas within the limits of their charter, and likewise to erect a Court of Admiralty in those parts, to try and condemn such Pirates as [illegible] upon which application the board of Admiralty did take advice, and were informed they had no authority to grant the same; and denies that the said Earl [illegible] the Company's request [illegible] by telling them that the Admiralty by law could not grant the same; and denies that the Company [illegible] to the knowledge of the said Earl: And saith, as to the matter of Kidd in this Article [illegible] Expedition [illegible] contrary to law; but sure he is, the said Expedition was intended for the public good and service; and saith, the said Kidd had no Powers or Instructions [illegible] case the said Kidd hath committed any Piracies, [illegible] by the said Earl so to do; nor had he ever any [illegible] or hope for any protection therein, or in any [illegible]

VI. "To the Sixth Article, the said Earl saith, he believes it to be true, that there was a [illegible] prevent the same: And as for the ship Dutchess [illegible] some of the very persons that were just before taken from on board captain Kidd, and returned [illegible] and at an end: and denies that the same was [illegible] ship or the Navy royal; or that the said seamen, so returning on board the said Kidd, were levied or provided at the expence of the public; or did return, or were put on board the said Kidd, against their own consent, [illegible] prejudice of the public security; or that the ship Dutchess was the [illegible] had been attacked, as in the said Article is alledged.

[illegible]

the said Earl accordingly did; but humbly [illegible]

VIII. "To the Eighth Article, the said Earl [illegible]

neglect or contempt of Orders, unnecessarily [illegible]

dience to orders, neglect to do the same; and [illegible]

in this Article; and so far as the said Earl was any ways acquainted therewith, he objected to, [illegible]

the said Article mentioned; and hopes, and [illegible]

peace or interest of this kingdom, or in breach of the trusts reposed in him the said Earl; and [illegible]

"I. That a Treaty and Alliance, between [illegible]

majesty and the States General; that each of [illegible]

there should be, not only a defensive, but also [illegible]

all means, with all their forces, protect and de- [illegible]

mutual security, as well during the continuance [illegible]

[illegible] and what a prejudice might happen thereby to [illegible] without lawful issue, they would, with all their [illegible] rectly or indirectly oppose that Succession; and, with force, repel the force which should be [illegible] of the States-General, in pursuance of the said [illegible] into the alliance of the aforesaid Treaty, and into the agreement of the said separate articles; and thereupon, for restoring and pre- [illegible] prove, [illegible] to be set on foot between his majesty, the French king, and the States-General, for a Partition of the Spanish monarchy; whereby many [illegible] tioned Treaty, whilst the same was in nego- [illegible] England, lord chancellor of England, and one [illegible] several offices, dissuade, or endeavour to obstruct, its taking effect; but, on the contrary, [illegible] enter into the said Treaty; and did so far en- [illegible] the said lord Sommers; and thereby the king- [illegible]

[illegible] tain, situate in that province, and especially the Port of the Passage, which is there [illegible] and other children, or his heirs and successors [illegible] mans, the said archduke Charles, &c. might [illegible] States General should assist one another [illegible] with all their power.

"That, by a secret Article of the said [illegible] that Succession; his majesty, the French king, and States General thereby engaging them- [illegible] the great seal of England (then in the custody [illegible]

[illegible]

or about the month of September, 1698, with-

[illegible]

then lords justices of England, or advising in

[illegible]

affixing the great seal of England thereto; but

[illegible]

the seas: notwithstanding which, an unlimited

[illegible]

"III. That the said lord S. contrary to the duty

[illegible]

ful warrant for that purpose: in hopes of con-

[illegible]

procure a warrant to be transmitted to him for

[illegible]

seal of England to the ratification of the said

[illegible]

with an intent to be afterwards filled up by

[illegible]

"V. That, in 1699, another Treaty was en-

[illegible]

of the trade of this realm, dishonourable to his

[illegible]

"VI. That whereas, by the laws and usages of

[illegible]

said court, for a perpetual memorial thereof:

[illegible]

profit as all he reasonably might; or to that ef-

[illegible]

whilst this nation was engaged in a tedious and

[illegible]

[illegible] able, and exorbitant Grants, under the great seal [illegible] amounting to a most prodigious and excessive value; and did advise, promote, and procure, [illegible] tates in Ireland, in contempt of the advice of [illegible] gracious assurance thereupon to both his houses of parliament; and engaged to procure, and [illegible] Ireland, to be approved in council in England; and afterwards remitted the same, under the great seal of England, to be passed into laws in Ireland.

"VIII. That the said lord S. during the time of his being Lord-Keeper of the great seal and [illegible] and enjoy the fees, profits, and perquisites, of [illegible] station; but also, as a further encouragement, [illegible] bounty, received an annual pension or allow- [illegible] profits and advantages; notwithstanding which, the said lord S. not being contented therewith, [illegible] for his own benefit many great, unreasonable, and exorbitant Grants of several manors, lands, [illegible] members, and appurtenances, situate and being [illegible] or appertaining, with the site of the ruined [illegible] on any leases then in being, of any parts there- [illegible] leet, courts-baron, and other courts, services [illegible] courts, rights, royalties, and jurisdictions, and [illegible] either of them, or to the royalties thereof, belonging, or in any-wise appertaining; which [illegible] 12,000l. and upwards [illegible] of purchasing divers fee-farm rents, and other rents, vested in trustees for sale thereof, in [illegible] in the reign of his late majesty king Charles 2; the said lord Somers, in 1697, procured a warrant from his majesty, under his sign manual, [illegible] nominate, for as many fee-farm and other rents, then remaining unsold, except such rents as were set apart for payment of pensions in the [illegible] annum, at the rate of 16 years purchase; and [illegible] or about the same time, the said lord S. pro- [illegible] purchase; and that, upon the said contract, the said commissioners should give warrant for con- [illegible] That, under the like pretence, and at or about the same time, the said lord S. procured another warrant from his majesty, under his [illegible] treasury, to contract, or give warrant to the said [illegible] fee-farm and other rents, then remaining unsold, [illegible] chase; and that, upon such contract, the said [illegible] ing the said rents unto the said Samuel Newton, or such as he should nominate, and his heirs:— [illegible] divers fee-farm rents, and other rents, of the [illegible]

[illegible]

the sums herein after mentioned; that is to [illegible]

[illegible] and procurement, divers fee-farm rents, and [illegible] tute of bargain and sale, bearing date on or [illegible]

[illegible] in the county of Middlesex, goldsmith, and [illegible] gain and sale, of the same date, or other assur- [illegible] and other rents therein mentioned, in consi- [illegible] to his majesty, at the receipt of his exchequer at Westminster, being the residue of the said [illegible]

[illegible] of the same date, or other assurance in the law, [illegible]

[illegible] same date, or other assurance in the law, in [illegible]

[illegible] to the said Rd. Adny and his heirs; which fee- [illegible]

[illegible] fee-farm rents, and other rents therein mention- [illegible]

[illegible] his heirs; which said several rents, so conveyed [illegible]

That the said several manors and rents afore- [illegible]

[illegible] council, whilst his majesty was engaged in the [illegible]

[illegible] nagement of the said fee-farm rents: and par- [illegible]

[illegible] persons; and for encouraging the said Marriot, [illegible] ticular fee-farm and other rents as then re- [illegible] lord S. might beg the same, he the said lord S. [illegible] complices, as a reward for the said discovery, [illegible] procure a grant from the crown; and accordingly the said several grants from the said trus- [illegible]

"X. That, notwithstanding the said pretend- [illegible] lord Sommers, contrary to his said oath, in de- [illegible] rents reserved upon leases or estates, the rever- [illegible] persons, rents appropriated by, or in pursuance [illegible] schools or scholars, or for or towards the reparation of churches, chapels, highways, causeys, [illegible] rents, by act of parliament united and annexed [illegible] charges of the said castle, and discharge and [illegible] forests, chases, and parks to the same belong- [illegible] Adny, and Samuel Newton, and to the said [illegible] meaning of the said acts of parliament, to the great vexation and oppression of many of his [illegible] nues of the crown.

"XII. That, by the direction of the said lord S. the said Humphry Hetherington, Rd. Adny, Samuel Newton, Leonard Hancock and John Warner, surrendered several of the said rents [illegible] able privy-council, in breach of his duty, and contrary to the laws and statutes of this realm, [illegible] rendered, had been, really and bona fide, purchased, in pursuance of the said acts for sale of [illegible]

"XIII. That, in [illegible], the said lord S. being [illegible] ty, procured a commission to be granted unto one Wm. Kidd, a person of evil fame and reputation, and since that time convicted of piracy, to apprehend, and take into his custody [illegible] the coasts or seas of America, or in any other [illegible] should be found on board, or with them: And afterwards the said lord S. in 1697, with the as- [illegible] persons aforesaid, procured a Grant from his majesty; and the said lord Sommers passed the [illegible] merchandizes, treasure, and other things what- [illegible] or did belong to, or which should be taken or seized upon or with, or did or should belong to, [illegible] informed against, for committing many robberies, piracies, and depredations, upon the seas [illegible] never convicted or attainted for the same; or [illegible] or should belong to any of the adherents of the said Thomas Soo, John Ireland, Thomas [illegible] William Kidd, or other commander of the Adventure-gally; or which by, or by means of the said ship or gally, should be taken, or forced on [illegible] America; were granted unto the said Richard [illegible] ley, gent. George Watson, gent. and Thomas Reynolds, of St. Martin's, * * *, their execu- [illegible]

[illegible]

of his oath as lord high chancellor of England,

[illegible]

of this realm; and hath, of his own authority,

[illegible]

in public places of judicature, That particular

[illegible]

or to that effect: Which position was highly

[illegible]

against the said lord Sommers; and also of re-

[illegible]

the said articles, or any of them; and of offer-

[illegible]

the course of parliament, require; do pray,

[illegible]

to answer the said crimes and misdemeanors;

[illegible]

Which was read, by the clerk, as follows;

[illegible]

year 1689, engaged in a war with France, a

[illegible]

effect in this Article mentioned; and that his

[illegible]

before he left England, was pleased to tell him, "That some intimation had been given to the

[illegible]

the crown of Spain:" And afterwards, in Au-

[illegible]

king's death; and that his majesty had sound-

[illegible]

might be made; and the conditions were near

[illegible]

tum, Finall, and the places in Tuscany of which

[illegible]

Spain, and Milan was to be given to the arch-

[illegible]

course it with those he thought he might trust

[illegible]

dom of Spain; the which the said earl of Port-

[illegible]

that negotiation were to be carried on; And

[illegible]

[illegible] lieved might be done secretly; that none but the lord Sommers and Mr. Secretary Ver- [illegible]

[illegible] affair kept a secret, thought fit to impart it to [illegible] Secretary afterwards acquainted the said lord Sommers); and some time afterwards the said [illegible] Mr. Secretary Vernon coming thither also about the same time, they and the said lord [illegible]

[illegible] so highly concerned: That the 2nd thing they [illegible]

[illegible] king of France then having so great a force in such a readiness, that he was in a condition to [illegible] could be ready to make a stand: That his ma- [illegible]

[illegible] cumstances of all parts abroad; but so far as [illegible]

[illegible] took place [illegible] trade; that, if they were possessed of Final [illegible] little signification in the hands of any prince; [illegible] easy a way of invading Spain on that side as he then had on the side of Catalonia: but it [illegible] its pretensions to so great a Succession, without [illegible] be convinced was his true aim; and, if it could [illegible] it was by the elector of Bavaria, who was the [illegible] tions, or in any other manner, it would wonder- [illegible] —That it did not appear, in case the negotia- [illegible] his majesty's part, in order to make it take place; whether any more was required, than [illegible] France itself was to see it executed; and, if [illegible] selves to the terms of the Treaty, and not at [illegible]

[illegible] tentiary of the French king: and the said lord [illegible] to him the said lord Sommers; nor was he ac- [illegible]

[illegible] trust, and the duty incumbent on him: and [illegible] the States-General; and accordingly the said [illegible] under the great seal; which was done accordingly, the said lord Sommers having a good and lawful warrant so to do; and the said ra- [illegible] have the same perfected in his presence: which [illegible] Sommers, not being privy, in any other manner [illegible]

[illegible] and is advised, was a sufficient warrant for him to pass a commission under the great [illegible] according to his majesty's direction, he did affix the great seal to the same; and the said [illegible] as, he conceives, might legally be done; which [illegible]

[illegible] executing the said power, the same noways [illegible] his majesty, that a particular warrant for the [illegible] letter; which, by reason of other matters there- [illegible] said 1st Article.

"IV. To the 4th Article, he saith, That Mr. [illegible] is before set forth, he did affix the great seal to the said ratification with such blanks; which, he conceives, and is advised, he might lawfully do: and, having also his majesty's command, [illegible] Privy Council; which, besides, he conceived, [illegible]

"V. To the 5th Article, the said lord Sommers [illegible] ther Treaty was entered into, and concluded, [illegible] thereunto; save only that a draught of the [illegible] cil, whereof the said lord Sommers, as well as [illegible] then be altered therein; and his majesty after- [illegible] same being prepared and brought to the great seal by the secretaries of state ready engrossed; and, when sealed, taken away by them, [illegible] in their custody; but the care of inrolling the same, if necessary, [illegible] according to the [illegible].

"VII. To the 7th Article, he saith, That, when the great seal was committed to his care, he took an oath of office to the effect in that Article set forth; and, during the time he had the custody thereof, he had carefully, diligently and honestly endeavoured to keep the said oath; and hopes and believes he hath duly observed the same; and doth acknowledge, that, during the time he was Lord Keeper and Lord Chancellor, he did pass several grants [illegible] passed the seal [illegible] tenements, [illegible] belonging to his majesty in right of his crown of England, but saith, That, before any of them came to the great seal, the same were regularly passed through the proper offices, and brought, with [illegible] to the great seal; and believes more considerable grants have passed, in the like number of years, in most of his predecessors times; and conceives, and is advised, that being required by his majesty, by proper warrants to pass the same, he ought so to do: and denies, That he did ever advise, promote, or procure, any grant to be made to any person whatsoever, of any [illegible] estate in Ireland or did [illegible] any act or bill prepared for confirming any such grant in the parliament in Ireland, to be approved in the Privy Council in England: and saith, That, what bills of this nature were remitted under the great seal of England, to be passed into laws in Ireland, the same were first approved and passed, in the Privy Council in England, according to the usual form in such cases; and, being so approved, were, by order of council, sent to the said lord Sommers; who was, by the said order, required to affix the great seal thereto.

"VIII. To the 8th, he saith, he did, during the time he had the custody of the Great Seal, receive the profits and perquisites thereto belonging, which, before his time, were become very inconsiderable; and did also receive an annual pension or allowance from his majesty of 4000. being the like pension, that had been allowed to several of his predecessors; but denies, that he did ever beg, or use any means to procure, any grant whatsoever from his majesty, for his own benefit: but saith, that what his majesty was pleased to give him proceeded from his majesty's own motion, and of his mere bounty, and his majesty was pleased to declare upon that occasion, as an evidence of his gracious acceptation of the said lord Sommers's zealous endeavours for his service; and the same was [illegible] by [illegible] the said lord Sommers [illegible] to his [illegible]; and that, in the year 1697, his majesty, of his own motion, did grant for the benefit of the said lord Sommers, the manor or manors of Rygate and Howsey, as in the said article is mentioned: but the said warrants [illegible] short of the value therein before suggested: and the said lord Sommers further saith, he never pretended to purchase in his own name, or in the name or names of any other person or persons in trust for him, any of the fee-farm rents or other rents vested in trustees for sale; but his majesty taking notice, that several of the said fee-farm rents, and other rents, so vested in trustees, were unsold; and the said trustees being by the acts of parliament for vesting of them [illegible] the said rents [illegible] for the benefit of his majesty, his heirs and successors; his majesty did, in the year 1697, of his own motion, without any solicitation, procurement, or means, used by the said lord Sommers, acquaint the then Lords Commissioners of the Treasury, or some or one of them, that it was his majesty's pleasure, that 2,1[illegible]l. per annum of those rents should be granted to, or for the benefit of, the said lord Sommers, and his heirs; and that all proper methods should be used for vesting the same for his benefit, as of his majesty's free gift; and the said acts of parliament having directed, that the said trustees for sales should [illegible] the said rents pursuant to contracts [illegible] signed by the Lord Treasurer, or Lords Commissioners of the Treasury, for the time being, or any two of them, for the satisfaction of the said trustees only; and according to the method that had been used, from the time of making the said acts, in passing grants of any of the said rents, [illegible] such [illegible] of the bounty of his majesty's predecessors and of his majesty: such warrants were made by his majesty to the Lords Commissioners of the Treasury to contract, or give warrants to the trustees to contract, for the said rents; and such contracts were pursuant thereto made, and such grants of the said rents were passed as in the said article is mentioned; and the [illegible] in such contract, was, for the [illegible] of his majesty's said intended [illegible] by [illegible] for [illegible]; and the said lord Sommers saith, the said contracts were not intended [illegible] to make the grantees of the said rents appear to be purchasers; but the said lord Sommers always acknowledged he received the said rents of his majesty's bounty, and, as he humbly conceives, it was lawful for him so to accept the same.

"IX & X. To the ninth and tenth articles the said lord Sommers saith, that, after his majesty had given such direction to the Lords of the Treasury for granting fee-farm rents, and other rents, to the yearly value aforesaid, for the benefit of the said lord Sommers, and his heirs, and after warrants were signed by the Lords of the Treasury to the said trustees, for making contracts for the like yearly rents of the said yearly value, for the benefit of the said lord Sommers, it did appear, that the said intended contracts and grants could not be perfected; for that neither the Lords of the Treasury, nor the said trustees, were sufficiently informed what fee-

[illegible] Digby, being so applied to after the said war- [illegible] might have, as a reward for their so doing, rents amounting to near a fourth part of such rents, [illegible] the said article is mentioned; which the said lord Sommers did, as, he conceives, he lawfully [illegible] and as is suggested in the said article, but [illegible] lord Sommers's solicitation; the discovery of [illegible] said Marriot and Digby, or any other person, till after the said warrants of his majesty, and the lords of the treasury, as aforesaid; and accordingly the several grants, in this article [illegible] in trust for the said Marriott and Digby, as [illegible] grants of the said rents; but the contracts [illegible] manner and for the reasons, herein before set forth; and were not colourably or fraudulently [illegible]

[illegible] other persons by the said trustees; and that [illegible] said trustees to grant; which was, and is, very [illegible] touching the same, and not out of any design, and the like mistakes have frequently happened in other grants of other of the said rents: and [illegible]

"XII. To the twelfth article the said lord [illegible] tioned; and the said trustees having cove- [illegible] ficiently authorized, in lieu and satisfaction of the said rents, and arrears thereof, and in dis- [illegible] charged, but was in lieu and reprize for the same [illegible] as aforesaid; which, he conceives, might be, and was, lawfully done.

"XIII. To the Thirteenth Article the said lord [illegible] grant a commission, as in this article is men- [illegible] esteemed a person of ill fame or reputation, to [illegible] and wares, as should be found on board or with them and to cause such pirates to be brought to a legal trial; the granting of which [illegible] admit, that a grant, dated the 27th of May [illegible] as in this article is mentioned; whereby, re- [illegible]

Harrison, Samuel Newton, William Rowley, [illegible] by and in trust for the said lord Sommers), their executors and administrators, all and singular the ships, vessels, goods, merchandizes, treasure, and other things whatsoever, [illegible] or seized upon or with, or did belong to, or should [illegible] be taken or seized upon or with, or was belonging to the said [illegible] Maze, or their adherents, or any other pirates, by the said W. Kidd, [illegible] the said Adventure Galley, or which by or by means of the said ships [illegible] should be taken, or forced on-shore, on any of his majesty's ports [illegible] said premises, or any of them, did, should, or might, belong to his majesty, or could or might be granted [illegible] Edm. Harrison, W. Rowley, George Watson, Tho. Reynolds, and Samuel Newton, of the other part; they the said earl of Bellamont, [illegible] use of his majesty, his heirs and successors, or the commissioners of his or their Treasury, or his or their High Treasurer, a clear tenth part, [illegible] of all and every such ships, vessels, goods, [illegible] whatsoever, which in and by the said Grant should be given, or which should from time to time be taken, or seized, [illegible] tors, officers, agents, servants, or assigns, by virtue or colour thereof; to which grant and indenture the said lord Sommers for more certainty [illegible]. He conceives, and is advised that the said Grant [illegible] or discouragement of trade or navigation, or to the [illegible] or allies, nor to the dishonour of his majesty or the kingdom; nor was the passing of the same [illegible] Sommers: but the said grant was formed as a recompence to the said Grantees, who, at their own [illegible] government, and the said W. Kidd [illegible]

[illegible]

"XIV. To the fourteenth article; the said lord Sommers saith, [illegible] by colour of his office, any arbitrary or illegal order, to the subversion of any law [illegible] of this realm; or did ever assume to himself any [illegible] the court of exchequer, who were always present in the court of exchequer chamber when their judgments were reversed, [illegible] in such cases directs; nor did ever deliver, in any court [illegible] ever, any position whatsoever, dangerous to the legal constitution of the kingdom, or destructive to the property of the subject, [illegible] article.

"And as to all other matters and things in the [illegible] particularly answered unto; the said lord Sommers saith, he is not guilty of them, or any of them, in manner and form as the same are charged [illegible] SOMERS."

[illegible] the lord Sommers's Answer was with great dispatch delivered to the Commons on the 24th. In the mean time, on the 21st, the lords had sent down the following Message:

"Mr. Speaker, the lords command us to acquaint this house, that their lordships having been desired by the earl of Orford, that a day might be appointed [illegible] of this house [illegible] this house: They also commanded us to acquaint this house, [illegible] last sent up [illegible] against Wm. earl of Portland, for high Crimes and Misdemeanors, [illegible] lord Halifax [illegible] ors; and there being as yet no particular Articles [illegible] in mind thereof; which, after Impeachments [illegible]

[illegible]

"The Commons have considered the Answer

[illegible] earl of O[illegible] the Ar[illegible] Im-[illegible] stands accused and impeached; and that the [illegible]

Their Answer to the Lords.] May 31. They [illegible]

"In answer to your lordships Message of the 21st inst. the Commons have prepared a Repli-[illegible] other Message, the Commons take it to be without precedent and unparliamentary: they, as Prosecutors, having a liberty to exhibit their Ar-[illegible] they, who are to prepare them, are the proper judges; and therefore, for your lordships to assert, that having not yet exhibited particular Articles against Wm. earl of Portland, and Charles lord Hallifax, is a hardship to them, and not agreeable to the usual methods and proceedings in parliament in such cases; does, as [illegible] ought to be mutually preserved."

Third Message from the Lords.] On the same [illegible]

"Mr. Speaker, the lords have commanded us to acquaint this house, that their lordships have appointed Monday the 9th day of June next, for the Trial of Edward earl of Orford, upon the Articles brought up against him by this house in Westminster-hall; and that this house may reply, if they think fit.—They have also commanded us to acquaint this house, that [illegible] and Misdemeanors; and having also, on the [illegible] Hallifax for high Crimes and Misdemeanors; [illegible] think themselves obliged to put this house in [illegible]

"The Commons, on consideration of your [illegible] concerning the earl of Orford, think it their undoubted right, when several persons stand impeached before [illegible] apprehend, from the nature of the Evidence, ought first to be proceeded against, to the [illegible] brought to justice; and that no day ought to [illegible] from the commons, of their being ready to proceed thereon.—The commons could not receive [illegible] greatest surprize; your lordships proceedings in [illegible] ings, nor (as the commons conceive) consistent [illegible] at the same time, relating to the earl of Port-[illegible] take the same to be without precedent, and unparliamentary; and conceive your lordships frequent repetition thereof, in a short time, after [illegible]

Fourth Message from the Lords.] In the mean time, the lords, on the 4th, sent them [illegible]

"Mr. Speaker; The lords do think fit, upon [illegible] their lordships, finding no issue joined by Re-[illegible] shall be first ready to begin with, so as there [illegible] unreasonable delay in the prosecution of any of them: and further to acquaint them, having searched their own Journals, they do not find, that, after a general Impeachment, there has ever been so long a delay of bringing up the particular Articles of Impeachment, sitting the parliament: and therefore the lords do think, they had reason to assert, that it was a hardship to the two lords concerned (especially when their lordships had put the house of commons in mind of exhibiting such Articles) and not agreeable to the usual proceedings in par-[illegible] lords, in whom the judicature does entirely reside, think themselves obliged to assert, that [illegible] the avoiding delay in justice, is lodged in them. — The lords hope, the commons, on their part, will be as careful not to do any thing, that may tend to the interruption of the good correspondence between the two houses, as the lords shall ever be on their part; and the best way to preserve that, is for neither of the two houses to exceed those limits, which the law and custom of parliament have already established."

Conference between the two Houses.] June 6. The Commons hereupon, desired a Conference with the lords, upon the subject-matter of the said Message; at which Mr. Harcourt delivered himself in this manner:—"The commons have desired this Conference, upon your lordships Message of the 4th of June, in order to preserve a good correspondence with your lordships, which will always be the endeavour of the commons, and is at this time particularly necessary, in order to bring the impeached lords to a speedy Trial. And because the Messages which your lordships have thought fit to send to the commons, and the Answers thereunto, seem not to tend towards expediting the Trials, which the commons so much desire, but may rather furnish matter of dispute between the two houses; the commons therefore chuse to follow that method, formerly used with good success upon the like occasion; and for the more speedy and easy adjusting and preventing any differences which have already happened, or may arise, previous to, or upon those Trials, the commons do propose to your lordships, that a Committee of both houses be nominated, to consider of the most proper ways and methods of proceeding on Impeachments, according to the usage of parliaments in such cases."

Further Message from the Lords.] The Conference being ended, the lords, on the 9th, sent the following Message to the commons:—"In Answer to the Message of the house of commons, the lords [illegible] by their Message [illegible] declare themselves [illegible] proceed to the Trial of any of the impeached lords, whom the commons shall be first ready to begin with; they have given a full proof of their willingness to comply with the commons, in any thing which may appear reasonable, in order to the speedy determining of the Impeachments now depending, and therefore, as the lords conceive, the commons had no occasion to begin the dispute on that head, so their lordships decline entering into a controversy, which seems to them to be of no use at present. The lords think themselves obliged to assert their undoubted right, to appoint a day for the Trial of any Impeachment depending before them, if they see good cause for it, without any previous signification from the commons of their being ready to proceed; which right is warranted by many precedents, as well as consonant to justice and reason. And their lordships, according to the example of their ancestors, will always use that right, with a regard to the equal and impartial administration of justice, and with a due care to prevent unreasonable delays.—This being the case, the lords cannot but wonder, that the commons, without any foundation for it, should make use of expressions, which, as their lordships conceive, have never been used before by one house of parliament to another; and which, if the like were returned, must necessarily destroy all good correspondence between the two houses. The last part of the commons Message, being in effect a repetition only of their former of the 21st of May, to which the lords already have returned a full Answer, their lordships think it not requisite to say more, than that they cannot apprehend how [illegible] upon the house of commons, to send up Articles against [illegible] whom the commons have so long impeached in general terms, can be said to tend to the delay of justice. And therefore, as the lords think the commons ought to have [illegible] so their lordships [illegible] upon the occasion of this Message of the commons, think they have given a convincing proof of their moderation, and their sincere desire of preserving a good correspondence between the two houses; which is so necessary for the public security, as well as doing right upon the Impeachment."

Answer of the Commons.] The Commons answered them next day to this effect: "The Commons, in hopes of avoiding all interruptions and delays, in proceeding against the impeached lords, and the many [illegible] which might arise thereby, having proposed to your lordships, at a Conference, that a Committee of both houses might be nominated, to consider of the most proper ways and methods of proceeding on Impeachments, they [illegible] have expected your lordships compliance with that [illegible] instead of your lordships Answer to the Message of the 4th inst. which they have received. In which Answer to your lordships, [illegible] many matters of great exception are contained, a suitable Reply whereunto [illegible] between the two houses; yet the commons, from an earnest desire to preserve the same, as well as to give the most convincing proof [illegible] of their [illegible] to speedy justice, [illegible] proposition, [illegible] settle [illegible] the necessary [illegible] criminals? Whether, being under accusations for the same crimes, they are to sit [illegible] vote in their own cases, as we find by your lordships Journal, since their being impeached, they have been admitted to do? Which matters, and some others, being necessary to be adjusted, the commons [illegible] a Committee of both houses to be appointed for that purpose: the departing from which, would keeping up the rights [illegible] the usage of parliament, [illegible] and [illegible] practicable for the future."

Another Conference.] The lords hereupon entered into a debate, Whether they should appoint a Committee, in pursuance of the commons desire; and having carried it in the negative, yet desired a present Conference with them, which was [illegible] vonshire, who acquainted them: "That the lords have desired this Conference, [illegible] sion of the last Conference; in order to preserve a good correspondence with the house of commons, which they shall always endeavour.

As to the late Messages between the two houses, their lordships [illegible] that [illegible] was [illegible] to the methods of parliament, and [illegible] both houses, [illegible] —As to the proposal of the commons, that a Committee of both houses should be appointed [illegible] 1. Because they do not find that ever such Committee was appointed on occasion of Impeachments for Misdemeanors [illegible] obliged [illegible] relating to judicature. 2. That although a Committee of this nature was agreed to, in the Impeachments of the earl of Danby, and the five Popish Lords, [illegible] was upon occasion of several considerable questions and difficulties, which did then arise. And their lordships do not find that the success in that instance was such, as should encourage the passing the same [illegible] in the like case: the lords observing, that after much time spent at that committee, the disputes were so far from being then adjusted, that they occasioned [illegible] a session of parliament. 3. Their lordships are of opinion, that the methods of Proceedings on Impeachments for Misdemeanors, are so well settled by the usage of parliaments, that they do not foresee any difficulties likely to happen; at least none have been yet started to them: and all the preliminaries in the Case of Stephen Goudett, [illegible] Impeachments for Misdemeanors [illegible] any such Committee. 4. The lords cannot but observe, that this Proposal of the commons [illegible] expect no other fruit of such a Committee, but to prevent [illegible] this session.— [illegible] any difficulties shall arise in the progress of these Trials, which the lords do not foresee, they will [illegible] as justice, and the usage of parliament will admit."

A Free Conference.] June 11. The Commons desired a free Conference on the subject matter of the last; and at the same time, drew up an Answer [illegible] Message, [illegible] was to this effect:—"The commons on Monday last, the 9th, received a Message from [illegible] him; in which they observe, your lordships [illegible] though your lordships thought fit to make that matter, on the last Impeachment for a Misdemeanor, the subject of a long debate. And [illegible] ships have taken as long a time, to give your Answer, to the commons desire of a Committee of both houses, delivered at a Conference on [illegible] your lordships for the said Trial.—Your lordships appointing so short a day, especially whilst the proposition made to your lordships for a Committee of both houses was undetermined, the commons take to be such a hardship to them, [illegible] the interruption of a former Trial on an Impeachment for Misdemeanors, for want of settling [illegible] houses, obliges them to insist on a Committee of both houses, [illegible] of those lords, till your lordships discover some inclination to make the proceedings thereupon practicable; and therefore, they think they have reason to insist upon another day to be appointed, for the Trial of the lord Sommers. [illegible] your lordships at a free Conference, of the necessity of having a Committee of both houses, before [illegible]

The King's Speech on passing the Act of Succession.] [illegible] to 'an Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject:' and several other Bills: After [illegible] Speech:

"My Lords and Gentlemen; I return you [illegible] to establish the Succession to the Crown in the Protestant Line: And I must not lose this occasion of acquainting you, that I am likewise [illegible] of supporting me in such Alliances, as shall be [illegible] liberty [illegible] and [illegible] desires, as to the succours for the States-General, is also a great satisfaction to me, as well as a great advantage to the common cause. And as I have nothing so much at heart, as the preservation of the liberty of Europe, and the honour and interest of England, so I make no doubt of attaining those great ends, by the blessing of God, and the continuance of your cheerful concurrence.—My Lords and Gentlemen; The season of the year makes it necessary to have a speedy recess, and the posture of affairs abroad does absolutely require my presence, for the encouragement of our Allies, and for the perfecting of such Alliances as may be most effectual for the common interest. And therefore I must recommend a dispatch of the public business, especially of those matters which are of the greatest importance."

Address of the Commons.] The commons agreed upon this Address to his majesty:

"Most gracious sovereign, We your majesty's most dutiful and loyal Subjects, the Commons in parliament assembled, do, with the greatest thankfulness, return to your majesty our most humble Thanks for your most gracious Speech from the throne, in which your majesty is pleased to express your royal approbation of the proceedings of your commons. And we do unanimously assure your majesty, that we will be ready in all our stations to assist your majesty, in supporting such Alliances as your majesty shall think fit to make, in conjunction with the Emperor and the States General, for the preservation of the Liberties of Europe, the prosperity and peace of England, and for reducing the exorbitant power of France."

The King's Answer.] When this Address was presented, on the 19th, the king gave this **Answer:**

"Gentlemen, I thank you heartily for the unanimous assurances you have given me of your readiness to assist me, in supporting such Alliances as I shall make in conjunction with the Emperor and the States General. It will be a good encouragement to them, to find the sense of this kingdom so fully expressed on this occasion, and will likewise contribute most effectually, to the obtaining those great ends you have now mentioned, on which the happiness of Europe does so much depend."

Sixth Message from the Lords, respecting the Impeachments.] The lords on the same day the king made this Speech, had sent this Message to the commons:

"In answer to the Message from the house of commons of the 10th instant, the lords say, That although they take it to be unparliamentary in many particulars, yet to shew their real desire of avoiding disputes, and removing all pretence of delaying the Trials of the impeached lords, they will only take notice of that part of their Message, wherein the commons propose some things as difficulties in respect of the Trials, which matters relating wholly to their judicature, and to their rights and privileges, as peers, they think fit to acquaint the commons with the following Resolutions of the house of lords: 1. That no lord of parliament, impeached of high crimes and misdemeanors, and coming to his Trial, shall, upon his trial, be without the bar. 2. That no lord of parliament, impeached for high crimes and misdemeanors, shall be precluded from voting on any occasion, except in his own trial.—The lords cannot [illegible] take notice of a mistake in point of fact alledged in the Message of the commons, by way of reflecting upon their journal, that [illegible] impeached have voted in the [illegible].—The lords being well assured, that the steps that have been taken by them in relation to these Impeachments, are warranted by the practice of their ancestors, and the law of parliament, have reason to expect that the commons should proceed without delay."—And that they are commanded by the lords to acquaint this house that, "In answer to the Message of the house of commons yesterday, the lords say, that they cannot give a greater [illegible] of their sincere and hearty desires, of avoiding differences with the house of commons, and proceeding in the Trials of the Impeachments, than [illegible] not taking notice of the several exceptions, to which that Message is liable, both as to the matter and the expression.—The lords have nothing further [illegible] thoughts, than are going about to [illegible] cannot have the least appearance of any step with relation to the commons. [illegible] the Answer of the lord Somers to the Articles against him, having been sent [illegible] the commons so long [illegible] May last, [illegible] in their Message of the [illegible] signified to their lordships that they [illegible] be ready with the Trial of his lordship [illegible] The lords, considering [illegible] far the session is advanced, thought it reasonable to appoint the [illegible] instant for the Trial of his lordship, finding several precedents [illegible] bringing lords on Impeachments to [illegible] shorter time.—The lords do think it [illegible] upon them to dispatch the Trials of the impeached lords, before the ending of the present session. This is what justice requires, and [illegible] be looked upon as a matter of [illegible]. Nevertheless, that the commons may see how desirous their lordships are to comply with them in any thing which may be consistent with justice, they have appointed the Trial of the Impeachment against John lord Somers on Tuesday the 17th of this instant June, at ten of the clock in the forenoon, in the house of peers, which will be then sitting in Westminster Hall."—That they were commanded by the lords to acquaint this house, "that the lords do agree to a free Conference with the commons, as desired, and do appoint to-morrow at [illegible] in the Painted-Chamber."

Answer of the Commons.] The Commons on the 13th, made this Answer:

"The house of commons had great reason to insist upon their proposal of a Committee of both houses, from the two Messages yesterday from your lordships, [illegible] which [illegible] certainly do shew [illegible] former parliaments to be the most proper [illegible] for dispatch of business.—The commons have been obliged to employ that time in consider-

[illegible] the subject of your lordships Resolutions, with [illegible] plain words, where there is a due regard to [illegible] That there is a mistake in point of fact alledged [illegible] the caution used by your lordships, in wording [illegible] agreeable to the rules of justice, yet the com- [illegible] Trials: And therefore the commons cannot [illegible]

[illegible] sham had spoke thereat; which he read in his [illegible]

[illegible] ing to a Committee of both houses desired by [illegible] still thought a Committee of both houses al- [illegible] therefore insisted, that such a Committee [illegible]

Reason for such a Committee, that many diffi- [illegible]

[illegible] 'it, because I am bound up by the orders 'of the house, yet I must have some answer; 'this is, as to the lords voting in their own 'case, it requires an Answer, though I cannot 'go into the debate of it. The commons 'themselves have made this precedent; for, in [illegible] 'house. and therefore we have not made any 'distinction in our house, that some should 'vote and some not. The lords have so high [illegible] 'mons, that they hope justice shall never be [illegible] 'therefore give me leave to say, though I am 'not to argue it, it is a plain demonstration 'that the commons think these lords innocent; 'and I think the proposition is undeniable; [illegible] 'any mischief if they were inclined to it; and [illegible] 'is a thing I was in hopes I should never have [illegible] 'from the house of commons.'

"These expressions were instantly objected to by sir Christ. Musgrave; and the Managers [illegible]

[illegible] correspondence between the lords and com- [illegible]

[illegible] versham, and to inflict such punishment upon [illegible]

A Message from the Lords.] A Message [illegible]

[illegible] lordships are concerned at; because they wish [illegible]

[illegible] presently to the said Free Conference; which [illegible]

[illegible] yesterday, in order to continue a good corres- [illegible]

[illegible] ships did immediately appoint a Committee to [illegible]

[illegible] of the like nature; and that the public business [illegible]

[illegible] tion, by their lordships' doing justice upon John [illegible]

[illegible] Lord Halifax; which were read by the Clerk [illegible]

"Whereas several persons contrary to their [illegible]

[illegible] Rebellion against their majesties; and were, by [illegible]

[illegible] England in parliament assembled, That a Bill [illegible]

[illegible] against their majesties king William and queen [illegible]

[illegible] kingdom: and whereas his majesty, in his gra- [illegible]

[illegible] most expedient: and whereas the commons of [illegible]

[illegible] should be thought most expedient; to which his [illegible]

[illegible] answer; whereby, and by many other endea- [illegible]

[illegible] much as in them lay, the procuring or passing [illegible]

[illegible] tates in Ireland; yet Charles, now lord Halifax, [illegible]

[illegible] ing a member of the honourable house of com- [illegible]

[illegible] vise, pass, or direct the passing, a Grant to [illegible]

[illegible] money amounting in the whole to the sum of [illegible]

[illegible] ought to have accrued to his majesty, by reason [illegible] his trust and duty.

his majesty, by sale of the forfeited and other Estates and interests in Ireland, and by a land

do; but has hitherto, in contempt of the act,

the said lord H. were a most notorious abuse

doubtedly is) the great security of this realm;

scrubbed beech, birch, holly, haze, thorns, and

December, 1697; under colour of which

"V. Whereas there is not any thing, that [illegible] the public, by the corruption, unskilfulness, or [illegible] the said Charles lord H. being one of the lords [illegible] ty's Treasury and the public revenues, did [illegible] lies; which said Grant was so made and pro- [illegible] trusted in the same person; the making and [illegible] said Charles lord H. as aforesaid, was a mani- [illegible] and the public, by opening a way to all man- [illegible] whereby it was agreed, that there should be [illegible] General; that each of them should be obliged [illegible] dering that France had openly declared in se- [illegible] out issue; and also considering what a blow [illegible]

[illegible] doms, dominions, and rights, and in their ob- [illegible] at the instance of the States General, in pursu- [illegible] our most gracious lord and sovereign his most excellent majesty king William III. was invited [illegible] parate Articles; and thereupon, for restoring [illegible] enter into, and, under the great seal of Eng- [illegible] Articles in any Article, or suffering the same, [illegible] That, in 1698, a Treaty was projected, and [illegible] General, for a Partition of the Spanish monarchy; whereby many large territories [illegible] one of the commissioners for executing the of- [illegible] Privy Council: That the said Charles lord H. [illegible] deavour to obstruct its taking effect; but, on [illegible] kingdoms, or the peace of Europe, did advise [illegible] under the Great Seal of England; which said [illegible] of this realm, a breach of the former Treaty [illegible]

“And the said knights, citizens, and bur- [illegible]

[illegible] shall, according to the course of parliament, [illegible] and misdemeanors; and that such proceedings, [illegible] against him: viz.

"The ANSWER of Charles lord Halifax to the Articles exhibited against him, by the [illegible]

"The said lord Halifax, saving to himself all [illegible]

"I. To the First Article; he saith, True [illegible] a desperate and bloody war and rebellion in [illegible] in Ireland, till there should be another opportunity of settling that matter in parliament, [illegible] unto us in this article is and are set forth, as [illegible]

[illegible] jesty did never grant to him, or any in trust for [illegible] ed to accept did, by Letters Patents under the [illegible] he conceives and is advised, his majesty might [illegible] reposed in him; and denies that he did ask for or procure the said Grant; but confesseth [illegible] grace and favour: And saith, the said Grant hath since been taken away by act of parliament; and saith, that the said Grant made to [illegible] ment: And although the said debts therein [illegible] near the said sums, because a great part of the said debts were not recoverable; and he hath [illegible] if at all, contributed to the contracting any [illegible] his majesty's honour, or that he hath failed in [illegible]

"II. The Second Article; the said lord H. [illegible] this article is mentioned; and also in the said act there is a further clause, that the grantees [illegible] And the said lord H. doth acknowledge, that, [illegible] profits of the forfeited estate of the earl of Clancarty, of which no more than the above- [illegible] H.; and no more, to his knowledge or belief, [illegible] aforesaid Grant: That the said lord H. gave [illegible]

[illegible]

of such his services, and, as a mark of his royal [illegible]

preserve the timber there.

[illegible]

ented, were, in their nature, inconsistent with

tion of the same.

" VI. To the Sixth Article; the said lord Halifax saith, That he believes, that in the

cle is mentioned; and also saith, he hath heard,

timation that was given by a letter from the earl of Portland, as he remembers, "That the French

chancellor, and the said lord Halifax, at Tunbridge Wells, when and where the said lord Ha-

on or proceed; and saith, that, not being ad-

" And having thus laid his case before your

cate to this house, viz. That the whole Im-

which being done, the Lord-Keeper is to tell

None to be covered at the Trial but the peers.

to the Trial of Lord Sommers.] But the Commons appointed a Committee to consider of the

" The Commons, in this whole Proceeding

Trial; and they doubt not but it will appear,

should be first ready to begin with, notwith-

to appoint which Impeachment should be first tried, and affix a day for such Trial, without

of attaining that end: and for the more speedy

[illegible]

ture; and therefore, as there never was a Com- [illegible] without such a Committee: and if now the [illegible] mand, to form an excuse for not prosecuting [illegible] from which (being matters entirely relating to [illegible] —As to the last pretence the Commons would [illegible] justice to that lord; and also to preserve all [illegible] impeached lords; and therefore their lord- [illegible] satisfaction and reparation against the lord [illegible] difficulties in proceeding on other business."

[illegible] debate, and the question was put, "Whether [illegible] Westminster-Hall in order to proceed upon the [illegible] against it.* A Message was then sent to the

[illegible] ships were going. The other Impeached Lords [illegible] vote in the Trial, a question was proposed, [illegible] fax may withdraw at the Trial of the lord Som- [illegible] they had a right to vote; but it was resolved [illegible] their house, and entered into a long debate [illegible] forms of law, it ought to be 'guilty' or 'not [illegible] not vote him not guilty; and therefore, to [illegible] mons, and all things therein contained; and [illegible] voted in the affirmative, and 31 in the negative; [illegible]

June 20. Upon this, the commons, to justify [illegible] "That the lords have refused justice to the [illegible] lord Sommers, by denying them a committee [illegible] with effect; and afterwards, by proceeding to a pretended Trial of the said lord, which could [illegible] commons against the power of great men; and [illegible]

---

* This Protest was thought so injurious to [illegible] but it was as follows: "We do conceive it very [illegible] against the proceedings to a Trial, and which [illegible]

Print image [illegible] University

subject, by laying a foundation of impunity for the greatest offenders. That all the ill conse- [illegible]

Answer of the Lords.] The lords the same [illegible]

"The lords do acquaint the commons, that [illegible] being the day appointed; and the commons [illegible] they would proceed on the said Trial.—The [illegible] ships could infer nothing from their persisting [illegible] bring any of their Impeachments to a trial.— [illegible] now before the house of commons, and the [illegible]

"The said lord Haversham, saving to himself all advantages of exception to the said [illegible] him as one of the peers of this realm; for [illegible] sage sent to the lords, desired a Conference [illegible] 4th of June: In which Conference they proposed to the lords, That a Committee of both [illegible] in the Impeachments of the lords according to [illegible] June, the lords desired another Conference with [illegible] appointing of such a committee; viz. 1. 'That [illegible] lating to judicature. 2. That although a Com- [illegible] five Popish Lords for High-Treason; yet the success in that instance, was not such as should [illegible] putes were so far from being there adjusted [illegible] a session of parliament. 3. That the methods [illegible] been stated to them; and that all the preliminaries in the Case of Stephen Gaudett, and [illegible] and agreed to, without any such committee. 4. [illegible] of such a committee, but the preventing of [illegible] lords a Free Conference, on the subject matter [illegible] tion to the lords impeached: 1. 'That no lord of parliament, impeached for high Crimes and [illegible] from voting on any occasion, except in his own [illegible] they agreed to a Free Conference with the [illegible] could not agree to the appointing a Committee of both houses; and principally relied upon the [illegible] to the nomination of such a committee would [illegible] ther it were requisite to appoint, or not appoint such a Committee) the said manager discoursed [illegible] words seemed to the said lord Haversham, to carry therein an implication, as if the said Re- [illegible] sir Barth. Shower, another manager for the [illegible] their Resolutions, said, 'That it was abhorrent [illegible]

[illegible]

judicature and resolutions, in answer to what

[illegible]

'Gentlemen, I shall begin what I have to

[illegible]

'conference, that there is nothing the lords more 'desire than to keep a good correspondence,

[illegible]

'tion, and the dispatch of public business; and 'nothing they have more carefully avoided, 'than what might create a misunderstanding between the two houses. A greater instance

[illegible]

'bers mentioned, in relation to delay; the re-

[illegible]

'relation to the sending up the Articles against 'the impeached lords, are a sufficient instance 'how desirous they are that these matters

[illegible]

'Trials are not in a greater forwardness; they 'cannot but look on it as a great hardship, that 'they should lie under long delays on Impeach'ments. Persons may be incapable; facts 'may be forgotten; evidences may be laid 'out of the way; witnesses may die; and 'many other like accidents may happen. The 'instance the worthy members give of the po'pish lords, as it is a crime of another nature, 'and not fully to the point, so it seems to make

[illegible]

'the lords brought to justice, though four more '(as I take it) were accused. And can any

[illegible]

'to bring only one of these lords to Trial? It

[illegible]

'body must have of their justice. And as to 'the point of Judicature, it were very hard 'upon the lords, that no person should be 'brought to trial, till the judicature of the

[illegible]

'lords is their peculiar, and hath in former 'ages been sacred with the commons them'selves. And this house, perhaps, hath as 'much reason to be jealous, and careful of it,

[illegible]

'one single precedent is so urged and insisted 'upon. One thing there is which a worthy 'member mentioned, though I cannot speak to 'it at large, because I think myself bound up 'by the resolutions of the house; yet it must

[illegible]

'voting in their own case; it requires an an'swer, though I cannot enter into the debate

'of it. The commons themselves have made 'this precedent; for in these Impeachments 'they have allowed men, equally concerned in 'the same facts, to vote in their own house,

[illegible]

'that some should vote and some not. The

[illegible]

'commons, that they believe justice shall never 'be made use of as a mask for any design. 'And therefore give me leave to say, though I

[illegible]

'stration, that the commons think these lords 'innocent; and I think the proposition is un'deniable; for when there are several lords 'in the same circumstances, in the same facts, 'there is no distinction; and the commons

[illegible]

'fairs, near the king's person, to do any mis'chief if they were inclined to it; it looks as if 'they thought them all innocent. This was a 'thing I was in hopes I should never have 'heard asserted, when the beginning of it was

[illegible]

"The said lord being here interrupted, he

[illegible]

in the house of commons, and having ever had

[illegible]

nature of that Conference was, that it should

[illegible]

Treaty of Partition, was guilty of a high crime

[illegible]

Impeachment: and yet the earl of Jersey, who

[illegible]

1699, as a Plenipotentiary with the lord Port-

[illegible]

O[illegible], and the lords Summers and Halifax, [illegible] advising the [illegible] the Treaty of [illegible] 1700, [illegible] Mr. Secretary Vernon, [illegible] a Privy-Counsellor, and acted in the promoting [illegible] one of the principal Secretaries of State; and sir Joseph Williamson, who then was a Privy-Counsellor, and transacted and signed the Treaty of Partition [illegible] still unimpeached: That [illegible] Halifax [illegible] impeached, for that he, being a Commissioner of the Treasury, consented to the passing of divers Grants from the Crown to several persons, of lands in Ireland; and yet sir Edw. Seymour, sir Stephen Fox, and Mr. Pelham, who being severally Lords Commissioners of the Treasury, did severally assent to the passing of divers like Grants from his majesty, of lands in Ireland, [illegible] That in the impeachments against the earl of Orford and lord Summers, one of the Articles against them is for procuring a commission to Capt. Kidd, and likewise a Grant under the Great Seal of the ships and goods of certain persons therein named to certain persons in trust for them; and yet other lords, equally concerned [illegible] Commission and Grant, [illegible] Fox, and Mr. Pelham, notwithstanding their [illegible] publicly known, the consequences resulting therefrom [illegible] Haversham [illegible]) are undeniable, viz. That the doing of the same things [illegible], cannot be a crime in one, and not in another. [illegible] Secretary Vernon, who were respectively concerned in the Partition Treaty, are permitted without complaint, to be at the head of affairs, and in the king's presence, and of his councils, as not dangerous: That the word *innocent*, used in the words spoken by the said lord Haversham, [illegible] were done by the impeached lords, of the same nature with what was done by those unimpeached. [illegible] the said lord being ready to prove the same, he insists that the words, spoken by him at the said Free Conference, were not scandalous or reproachful, nor false [illegible] the honour or justice of the house of commons, but were spoken upon a just occasion, given in answer to several expressions [illegible] the managers for the commons, as he conceives, [illegible] question, [illegible] And the said lord [illegible] Charge, in such [illegible] and form, as the same are therein set down. And having thus given a true account of this matter, and it being true and [illegible] that some lords in this house, equally concerned in facts, for which other lords are impeached by the house of commons, are still near the king's person, in [illegible] trust and honour, and unimpeached; and also, that several members of the house of commons equally concerned in the same facts, for which some of the lords are impeached, do however remain unimpeached; the said lord thinks, such a truth could never have been more properly spoken, in the maintenance and defence of your lordships' judicature, and resolutions; and insisteth, that what he said at the Free Conference, was not [illegible] of the nation by [illegible] the Impeachments, as in the said Charge alledged; but agreeable to truth, in discharge of [illegible]

HAVERSHAM.

The Commons refuse to appear at the Earl of Orford's Trial.] June 20. The commons ordered, "That no Member should presume to appear on Monday next, at the pretended Trial of the earl of Orford, [illegible] the house;" and then adjourned to Tuesday morning. But the lords continued sitting, and on the 21st, resolved, "That unless the Commons' Charge against the lord Haversham were prosecuted by them, [illegible] of the Charge."

June 23. It was resolved by the lords, "That the Resolutions of the house of commons, [illegible] Votes of the 20th instant, contained most unjust Reflections on the honour and justice of the house of peers, and were contrived to cover their affected and unreasonable delays in prosecuting the impeached lords, and [illegible] to the destruction of the Judicature of the lords, to the rendering Trials, and Impeachments impracticable for the future, and to the subverting the constitution of the English government; and therefore, whatever ill consequences might arise, from the so long deferring the Supplies of this year's service, were to be attributed to the fatal council of the putting off the meeting of a parliament so long a [illegible] the unnecessary de[illegible] commons."

The Earl of Orford honourably acquitted.] [illegible] also his lordship's Answer to the said Articles; [illegible] was acquitted of the Articles, and the Impeach[illegible]

The Impeachments dismissed by the Lords.] [illegible]

"The house of commons not having presented [illegible] him at a Free Conference the 13th instant, the [illegible] thereby dismissed, there being no Articles exhibited against him. The house of commons [illegible] of April last, and on the 14th day of this instant [illegible] Prosecution thereupon, the said Impeachment [illegible]

[illegible] the correspondence was almost broken off [illegible] Hence the commons having passed a Bill for [illegible] would by no means allow; and drew up these Re[illegible] the lords at a Conference.

"The commons do disagree to the first A[illegible] years been Commissioners of the Prizes taken [illegible] frequently pressed to account for the same, [illegible] them to account before the first of Sept. next, [illegible] lordships have, in a Clause, directed the commons to allow and certify a pretended Debt to col. Baldwin Layton: whereas the Disposition [illegible] ment, hath ever been in the house of commons; and this Amendment relating to the dis[illegible] peachment, as Solicitor to the Admiralty, re[illegible] disagreeing to the several parts of this Bill, the [illegible]

The Speaker's Speech to the K[illegible] [illegible] proper to put an end to this session; and therefore [illegible] and sent for the commons to attend him; when [illegible] Bills, delivered himself to his majesty in this [illegible]

"Sir, it is with great joy and satisfaction that I attend your majesty at this time, since your [illegible] settled the Crown in a Protestant Line, and [illegible] given your majesty those Supplies which are more than ever were given in a time of peace, [illegible] to support your Allies, procure either a lasting [illegible] a necessary War."

The King's Speech at the close of the Session.] [illegible] houses:

"My Lords and Gentlemen; This session being now come to a conclusion, I must return you my hearty thanks for the great zeal you [illegible] have expressed for the public service, and your [illegible] parliament. And I must thank you, Gentlemen of the House of Commons in particular, [illegible] shall be my care, not to put the nation to any unnecessary expence, so I make no doubt, that whatsoever shall be done during your recess, for the advantage of the common cause in this matter, will have your approbation at our [illegible] Gentlemen; I shall conclude with recommending [illegible] your respective counties; that the peace of the [illegible] and care in your several stations."

[illegible]

[illegible] be justices in his absence, the Archbishop of Canterbury, sir Nathan Wright, Lord-Keeper, the earl of Pembroke, first Commissioner of the Admiralty, the duke of Devonshire, the earl of Jersey, and the lord Godolphin. Three [illegible] soned for delivering the Kentish Petition, being [illegible] were splendidly entertained at Mercers-hall, [illegible] very honourably received, upon their return [illegible] went that night to the Hague.—He embarked [illegible] mouth; and the first thing, that fell under de[illegible] liament should be continued, or dissolved, and a new one called. The parliament being first prorogued till the 13th of November, a procla[illegible] for dissolving it, and summoning another to meet at Westminster on the 30th of December. The heats in elections increased with every new summons; and this was thought so critical a conjuncture, that both sides exerted their full strength. Most of the great counties and the [illegible] the king and government; but the rotten part [illegible] upon the whole, it appeared, that a clear ma[illegible]

[illegible]

[illegible] Westminster. The following is a List of the [illegible]

A LIST of the House of Commons, in the Sixth and Last Parliament of King William III. December [illegible]

Abington,
[illegible]
John Drake,
Will. Lord Cheney.
[illegible]
George Churchill,
John Gape.
[illegible]
Sir Henry Johnson,
William Johnson.
Aldborough (Yorksh.)
[illegible]
Sir William Hostler,
Daniel Lascels.
Andover,
[illegible]
Richard Visc. Bulkeley.
[illegible]
Wharton Dunch.
[illegible]
Sir Thomas Lear,
[illegible]
Aylesbury,
[illegible]
Banbury,
[illegible]
Barnstable,
Arthur Campaneys,
[illegible]
Bath,
[illegible]
William Blaithwayt.
Beaumaris,
[illegible]
Bedfordshire,
[illegible]
Edward Russel.
[illegible]
Sir John Stonehouse,
[illegible]

[illegible]
Bishops Castle,
[illegible]
Charles Mason.
[illegible]
Sir Edward Gresham,
[illegible]
Bodmin,
[illegible]
Sir Henry Goodrick.
[illegible]
Sir John Molesworth,
[illegible]
Sir William York.
[illegible]
Bramber,
Francis Conway,
Thomas Owen.
[illegible]
Bridport,
William Gueston.
[illegible]
Bristol,
[illegible]
Robert Yates.
[illegible]
Sir Edward Acton.
[illegible]
Goodwyn Wharton.
[illegible]
Sir Edward Denton,
Sir Richard Temple,
Calne,
[illegible]
Henry Blake.
Cambridgeshire,
[illegible]
Lord Cutts.
[illegible]
Sir John Cotton,
[illegible]

Philip Howard,

Griffith Rice.

Sir John Wynn.

Peter Shackle.

John Muler,

Christ's Church,

Francis Gwynn,

Charles Cox.

Frederick Herne.

Ambrose Pudsey,

Corf-Castle,

John Granville,

Sir Richard Middleton.

John Harper,

Sir Francis Child,

Sir John Pole,

Dorchester,

Sir Nathaniel Napier,

Dover,

Philip Papillon,

Sir Charles Blois,

Lionel Vane.

Durham City,

Sir Henry Bellasis,

Sir Henry Seymour,

Sir Thomas Felton,

John Harvey.

Essex,

Eye,

Sir R. Mostyn.

Sir John Conway.

John Williams,

Gatton,

Germans, (St.)

Sir Thomas Mansel.

Gloucestershire,

Grantham,

Earl of Orrery,

John Conyers.

Haverford West,

William Wheeler.

Helston,

Henry Gorges.

Hereford City,

Ralph Freeman,

Hertford Town,

Sir Robert Hillyard,

John Dryden,

Ipswich,

Samuel Roll.

Kent,

Leicestershire,

Lord Roos,

George Booth.

Sir John Bolles,

Ludlow,

Sir Tho. Powis.

[illegible]
John P[illegible]
[illegible]
Th[illegible]
Pa[illegible]
[illegible]
Sir John Turner,
Sir Charles Turner.
M[illegible]
[illegible] Marsham,
Th[illegible] Bliss.
M[illegible]
W[illegible] Fitch,
[illegible]
Malmsbury,
S[illegible] H[illegible],
[illegible]
Malton,
Sir William Strickland,
W[illegible] Palmes.
M[illegible]
Robert Yard,
John Jeffreys.
M[illegible]
Sir [illegible] Etherege,
James Chase.
M[illegible]
Sir [illegible]
[illegible]
Melcomb Regis,
Sir Christ. Wren,
A[illegible]
M[illegible]
Richard [illegible]
Midhurst,
[illegible]
[illegible]
M[illegible]
[illegible]
[illegible]
[illegible]
Sir [illegible]
John Hunt.
[illegible]
J[illegible]
John [illegible]
Michael, (St.)
S[illegible]
S[illegible]
M[illegible]
Sir J[illegible]
[illegible]
M[illegible]
John [illegible]
M[illegible]
Sir [illegible]
[illegible]
M[illegible]
Edward [illegible]
M[illegible]
John [illegible]
Newark upon Trent,
Sir M[illegible]
James [illegible]
Newcastle under Line,
Rowland Cotton,
[illegible]
Newcastle upon T[illegible]
Sir H[illegible] Liddel,
William Carr.
Newport, (Cornwall)
W[illegible]
Samuel Spark,

Newport, (Hants)
Edward [illegible]
[illegible]
N[illegible]
[illegible]
[illegible]
Newton, (Hants)
Thomas Hopton,
J[illegible]
N[illegible]
Sir [illegible]
Ro[illegible]
N[illegible]
Sir J[illegible]
Thomas Cartwright.
N[illegible]
T[illegible]
Chr. Montagu.
Northumberland,
[illegible]
Sir [illegible]
Norwich,
Edward Clark,
[illegible]
N[illegible]
Sir [illegible]
[illegible]
[illegible]
Robert [illegible]
William Pierrepoint.
Okehampton,
[illegible]
[illegible]
[illegible]
Sir Edmund Bacon,
[illegible]
O[illegible]
[illegible]
[illegible]
O[illegible]
[illegible]
[illegible]
Oxford University,
[illegible]
[illegible]
[illegible]
Sir Arthur Owen.
[illegible]
W[illegible]
[illegible]
A[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
Richard [illegible]
[illegible]
Pool,
Sir William Phippard,
[illegible]
[illegible]
W[illegible]
Sir John Bland.
Portsmouth,
J[illegible]
Sir George Rooke.

Preston,
Henry Ashurst,
Thomas Molineux.
Q[illegible]
[illegible]
Robert [illegible]
Radnor County,
[illegible]
R[illegible]
[illegible]
R[illegible]
[illegible]
A[illegible]
Retford,
[illegible]gh,
[illegible]
Richmond,
John Hutton,
Th[illegible] Y[illegible]
R[illegible]
[illegible]
[illegible]
Rochester,
[illegible]
William Buckenham.
R[illegible]
John [illegible]
Edward [illegible]
R[illegible]
Sir [illegible]
Richard Halford.
R[illegible]
Thomas Fagg,
Joseph Offley.
Ryegate,
Sir [illegible] Parsons,
Stephen Harvey.
S[illegible]
Richard Corbett,
R[illegible] Lloyd.
Salop Town,
Richard Mytton,
[illegible] Kynaston.
S[illegible]
Thomas Carew,
Benjamin Buler.
Sandwich,
Sir Henry Furnese,
Sir J[illegible] Oxenden.
Sarum, New,
Charles Fox,
Robert Eyre.
Sarum Old,
Charles Mompesson,
William Harvey.
Scarborough,
Sir Charles Hotham,
William Thompson.
Seaford,
William Lowndes,
William Chowne.
Shaftesbury,
Sir John Cropley,
Edward Nicholas.
Shoreham,
Nathaniel Gould,
Charles Sergison.
Somersetshire,
Sir Philip Sydenham,
Nathaniel Palmer.
Southampton County,
T[illegible]
Richard Chaundler.

South[illegible]
Adam [illegible]
Mitford Crow.
Southwark,
Charles Cox,
John Cholmondeley.
Staffordshire,
Henry Paget,
Edward Bagot.
S[illegible]
Thomas Foley,
John [illegible]
Stamford,
Charles Cecil,
Charles Bertie.
Steyning,
Henry Goring,
Sir Robert Fagg.
St[illegible]
Anthony [illegible]
Frederick Tilney.
Sud[illegible]
Sir Jervis Elwys,
John Hatton.
Suffolk,
Lord Dysert,
Sir Samuel Barnardiston.
Surrey,
Sir Richard Onslow,
Leonard W[illegible]
Sussex,
Sir William Thomas,
Henry Peachy.
Tamworth,
Henry Thynne,
Thomas Guy.
Tavistock,
Edward Russel,
Robert Russel.
Taunton,
Sir Francis Warre,
Edward Clarke.
Tewkesbury,
Richard Dowdeswell,
Edmund Bray.
Thetford,
Sir John Woodhouse,
Sir Thomas Hanmer.
Thirsk,
Sir Thomas Frankland,
Sir Godfrey Copley.
Tiverton,
Charles Spencer,
Thomas Bere.
Totness,
Sir Chr. Musgrave,
Thomas C[illegible]
T[illegible]
Hugh Fortescue,
Francis Robert[illegible]
Truro,
Sir Ralph Cotton,
Henry Vincent.
Wallingford,
William Jennings,
Thomas Renda.
Warwickshire,
Sir J. Mordant,
Sir C. Shuckborough.
Warwick Town,
Francis Greville,
Algernon Greville.
Wareham,

[illegible]

Weobly, James Bertie,
John Birch, Sir Thomas Littleton.

[illegible]

Weymouth, John Nicholson,
Charles Churchill, John Burton.

[illegible]

council inclined to sir Thomas; but Mr. Har- [illegible]

The King's last Speech in Parliament.] Dec. [illegible] the following Speech[*] to both Houses:

"My Lords and Gentlemen; I promise [illegible]

[illegible] ting up the pretended Prince of Wales for king of England, is not only the highest indig- [illegible] nearly concern every man, who has a regard [illegible] I need not press you to lay it seriously to [illegible] Spain, he is in a condition to oppress the rest [illegible] surrounded his neighbours in such a manner, [illegible] precarious in all the variable branches of it; [illegible] ought to take in the preservation of the liberty [illegible] I have concluded several Alliances, according to the encouragement given me by both houses of parliament, which I will direct shall be laid before you, and which, I doubt not, you will [illegible] are perfected.—It is fit I should tell you, the eyes of all Europe are upon this Parliament; all matters are at a stand, till your resolutions [illegible] the quiet enjoyment of your Religion and Liberties, if you are not wanting to yourselves, [illegible] lish nation; but I tell you plainly, my opinion [illegible] have a great strength at sea, and to provide for the security of our ships in harbour; and also that there be such a force at land, as is ex- [illegible] —Gentlemen of the House of Commons; I do [illegible] ance requires. At the same time I cannot but [illegible]

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[*] "The lord Sommers is supposed to have as- [illegible]

[illegible] will observe, that I desire [illegible] only pressing you [illegible] critical and dangerous a time; and am willing, [illegible] —[illegible] I think it proper to put you in mind, that, during [illegible] applied; and I am willing that matter may be [illegible] cations and mismanagements; or whether the [illegible] from the shortness of the supplies, or the deficiency of the funds.—I have already told you, [illegible] and all that is valuable to us depends. I hope, what time can be spared, will be employed [illegible] I have so often recommended from the throne; I mean, the forming some good bills for em[illegible] and Gentlemen; I hope you are come together [illegible] differences; and resolved to act with a general [illegible] unhappy fatal animosities, which divide and [illegible] subjects safe and easy as to any, even the [illegible] of our enemies by your unanimity. I have [illegible] Do you, in like manner, lay aside parties and divisions. Let there be no other distinction heard of amongst us for the future, but of those, who are for the Protestant Religion, [illegible] who mean a Popish Prince, and a French government.—I will only add this; if you do in [illegible]

The Lords Address concerning the Pretender [illegible]

[illegible] parliament assembled, did hear, with all imagin[illegible] the consideration of them, with great duty to your majesty; yet we cannot defer expressing our just resentments of the proceedings of the [illegible] be made, either from your open or secret enemies: And, that no enemies to our religion and country may ever hope to prosper in their attempts against us, when, to our great unhap[illegible] majesty's protection; we do further declare our resolution, to assist and defend, to the [illegible] right to succeed to the crown of these realms, by virtue of the two acts of parliament, intituled, 'An act declaring the Rights and Liberties of [illegible] Crown;' and, 'An act for the further Limita[illegible]

The K[illegible]

"My lords; I heartily thank you for your very seasonable Address, and for all your kind expressions of duty to me in it. I recommend [illegible]

The Commons' Address.] Jan. 5. The com[illegible]

"Most gracious sovereign, We your ma[illegible] land and Ireland: And we are firmly and

[illegible]

liament, for the preserving the Liberties of [illegible]

"Gentlemen, I give you my hearty Thanks for this Address, which I look upon as a good [illegible] I receive from it; so good a step at your first entrance upon business, cannot but raise the [illegible] the common cause. I can desire no more of [illegible] depend upon it: For, when I consider how [illegible] this Address, I cannot doubt but every one of you will sincerely endeavour to make it ef- [illegible]

[illegible] the cause of a new War, the king commanded [illegible] viz. "1. The Treaty between himself, King of [illegible] 1701. 2. The Secret Articles of that Treaty. [illegible] A Convention between his majesty, the king of [illegible]

A Supply voted.] All which were so well [illegible] "That a Supply be granted to his majesty; and [illegible] should be repaid in like manner."

A Bill for the Security of his Majesty's Per- [illegible] mously, "That leave be given to bring in a Bill, [illegible]

[illegible] prince of Wales, and all other pretenders, and [illegible]

[illegible] tates, 'That no peace shall be made with [illegible]

[illegible] time, "That the proportion of Land-Forces to act in conjunction with the forces of the Al- [illegible] were the numbers the king by the Alliances [illegible]

The commons began a Bill for the Attainder [illegible] stopped, many shewed a coldness, and absented themselves on the days, on which it was or- [illegible] who acted as queen regent for him. This was much opposed; for no evidence could be brought to prove the allegation; but the fact [illegible] some names, by a clause in a Bill of Attainder [illegible] hard one. For, attainders by bill being the [illegible] that ought to be avoided. It was therefore thought more proper to attaint her by a bill apart than by a clause in another bill, to which [illegible]

[illegible] tle of 'rightful' and 'lawful' king, and his [illegible] was begun in the house of lords, and the first [illegible]

[illegible] in a bill, that should oblige all persons to take this Abjuration. It was drawn by sir [illegible] Some [illegible] an obligation to maintain the government in [illegible] to the clause abjuring the prince of Wales, so that it imported only an obligation not to assist him; but, though he pressed this with unusual vehemence in a debate, that he resumed seventeen times in one session, against all rules, he [illegible] whether the Oath should be imposed or left free, [illegible] It was carried but by [illegible]

The Commons, after a long delay, sent up [illegible] Wales. In the house of lords the Tories opposed it all they possibly could; and, as it was a new Bill, the debate was intirely open. They first moved for a Clause, excusing the Peers from it. If this had been received, the Bill [illegible] When [illegible] be voluntary. This motion was thought a [illegible] without a mixture of indignation in some against the movers, they offered next all those clauses, [illegible] ment; the opposition ended in a protest of [illegible] Feb. Burnet, Boyer, Tindal.

[illegible] This protest was as follows, 1. "We conceive, that no new oath [illegible] as those, established by an act made in the [illegible] rights and liberties, ascertained in that act under the terms of our Submission to his majesty, [illegible] be the law of this realm for ever; and which, [illegible] such a penalty as to lose their seats in parliament, upon their refusing it; such a penalty [illegible] yet, in a matter of so great importance to all the Peers, we conceive, that in justice they [illegible] jects fidelity were, at this time, necessary to [illegible] the government; because those who have kept [illegible] oath, into the greatest trusts, and who, under [illegible] will have greater opportunities of betraying their king and their country.—5. If a new [illegible] them, that this may become a snare to men's [illegible] take it in their own sense; whereas this, as all [illegible] a test. (Signed) Winchelsea, Denbigh, Guilford, [illegible]

[illegible] last House of Commons.] Jan. 22. Fuller, the [illegible] all that had been alledged concerning the spu- [illegible] taking to discover a Plot of his own contriving, and who was at this time a prisoner in the Fleet, [illegible] had strained his invention to countenance all [illegible] ment; upon which occasion the house first appointed a Committee, to consider of methods [illegible] been supported and maintained? But, instead [illegible]

[illegible] men of fortune and character (whom he was [illegible] granted, and more than all; for he was allowed a fortnight instead of ten days: and in that [illegible] than four Letters; the last of which was to [illegible] house; and that he himself desired to be heard on the morrow, being the 5th of Feb.: and the [illegible] 'at his own desire,' be brought up, and that [illegible] power; no such persons were in being: all that he aimed at was to lay such a story together as might corroborate the suspicions al[illegible] propagated, and on the merit thereof, to quar[illegible] them abroach: and in regard to that merit, it [illegible] passed over this incident in silence, or else [illegible] in the Journals of Parliament. To wit, "Re[illegible] tices, by several false accusations in divers scan[illegible] same, this house doth declare the said William Fuller to be a Cheat, a false Accuser, and an [illegible]

Some remarkable Proceedings in controverted Elections. [illegible] Elections, it is further to be remembered, That on the one hand, Mr. Secretary Vernon (who [illegible] bers for the said borough; and that by those [illegible] sideration, the Vernons thought fit to apply to [illegible] and as to the other, it took a turn upon the [illegible] gether extraordinary: For Adey, in person, de[illegible] behalf of Daniel Park, esq. another candidate [illegible] a bag of gold, and a bank note of 200*l.* which [illegible] was resolved, without a division, "That Hedges and Pauncefort were duly elected: that the [illegible] jeants: that Park had been guilty of notorious bribery and corruption, in endeavouring to procure himself elected; and that he also should [illegible]

A Censure passed on the Earl of Peterborough [illegible] was heard with the usual ceremonies, accordingly: Notwithstanding which, and after two [illegible] over-ruled, it was resolved, "That it appeared to the house, that the said earl was guilty of [illegible] procure the said Park to be elected a burgess, [illegible] the second 158 to 141; and the third, by which [illegible] notice was taken of their Petition; and when they presented a second petition, acknowledging that fault, expressing their sorrow for it, and begging pardon for the same, the motion [illegible] Upon a farther application, they were, however, [illegible]

Case of Mr. Colepeper the Kentish Petitioner.] It was also the misfortune of Mr. [illegible] Petition, (p. 1251), to be now a petitioner in his [illegible] for Maidstone by a majority of only two votes. In the hearings before the committee of privi- [illegible] managed that it appeared wrong on his side [illegible] duly elected; and it was resolved, that he had been guilty of corrupt, scandalous, and indirect [illegible] speak the clemency of the house, by a Letter, [illegible] motion, That the house would appoint a day to take into consideration the Rights, Liberties and Privileges of the house of commons; and a violent debate thereon; which was suspended [illegible] against him from the Report, then to be made [illegible] committee.

[illegible] mons voted scandalous, villainous &c.: And the [illegible] Accordingly, when the house had confirmed the first Resolution in favour of Bliss: An Amend- [illegible] Colepeper, in these words: "Who was one of [illegible] last house of commons:" And though the said [illegible] (nothing transacted in a former session; or, at least, in a former parliament, being properly cognisable by a new one) it was agreed to without a division: As were also the two following Resolutions, to wit, "That the aspersing the [illegible] interest of France, was a scandalous, villainous, and groundless reflection; tending to sedition, and to create a misunderstanding between the [illegible]" And the two following orders, "That the said T. C. esq. be for [illegible] that his majesty's attorney-general do prosecute the said T. C. for the said crimes."

[illegible] resumed; and after much altercation, a day was appointed for the purposes therein mentioned. The day came, to wit, the 16th of Feb.: the house resolved itself into a committee [illegible] speeches were made, which were as warmly answered: and upon the issue, both the committee and the house [illegible] Resolution at all.—On the 19th, however, in consequence of a new motion, to the like effect, [illegible] of the house of commons: And on the 24th, [illegible] that occasion; "That they should also take [illegible]"

[illegible] even ground; and it was apparent that in this contest neither would be able to obtain any [illegible] advantage over the [illegible] indeed, unless a large body of Tories withdrew [illegible] ought to conclude, perhaps, that the party split upon a measure which some foresaw would be unprofitable: for, according to the Journals, the attendance on that side was, by no means, suitable to the stress which seemed to be laid [illegible] their antagonists, on the contrary, insisted on its being made immediately, and upon a division [illegible]

[illegible] Report consisted of five Resolutions, to wit: Resolved, 1. "That it is the opinion of this Committee, That to assert the house of commons is not the only Representative of the [illegible] of the Rights and Privileges of the house of commons, and the fundamental constitution of the government of this kingdom. 2. That to [illegible] house of commons. 3. That to print or publish any Books or Libels, reflecting upon the pro- [illegible] therein, is a high violation of the Rights and Privileges of the house of commons. 4. That [illegible] land, to Petition or Address to the king, for the calling, sitting, and dissolving of parliaments, or for the redressing of grievances. 5. That [illegible] speedy Trial, in order to be acquitted or con- [illegible] confirmed by the house. Ralph.

[illegible] Scotland.] Feb. [illegible] more seasonable at this juncture, than an union [illegible]

[illegible] coming to the house of peers by a fall from his [illegible]

"William R. His majesty, being at present hindered by an unhappy accident from coming in person to his parliament, is pleased to signify [illegible] the throne. His majesty, in the first year of [illegible] missioners were authorized in Scotland to treat [illegible] bute to the present and future security and happiness of England and Scotland, than a firm and intire union between them; and he cannot but hope, that, upon a due consideration of [illegible] a general disposition to this union. His majesty would esteem it a peculiar felicity, if, [illegible] and does, in the most earnest manner, recommend this affair to the consideration of the [illegible]

[illegible] ther once a week, and rode often about the [illegible] feeble, fell off, and broke his right collar-bone. [illegible] some shivering fits for a fortnight past, and had [illegible] went out a hunting. In the afternoon the [illegible] returned to Kensington and slept almost all the way in his coach. He came to Kensington [illegible] hurt in my arm; pray come and see it: and soon after added to this effect: I was riding in [illegible] lop, he fell upon his knees. Upon that I meant [illegible] on one side, and so I fell with my right shoulder upon the ground. It is a strange thing, for it happened upon a smooth level ground. Ronjat says, there is a little bone broken, and indeed I feel some pain towards my back." As the [illegible] Bidloo, finding his pulse in good order, dissuad- [illegible] bone was broke obliquely a little below its junc- [illegible] M. Ronjat, is it well set? Ronjat replied: It was well set; but that the jolting of the [illegible] occasioned a disunion. After the fracture was [illegible] the whole night so soundly, that the gentlemen, [illegible]

[illegible] king seemed in a fair way of doing well till Sunday, March the 1st, a defluxion fell upon [illegible] to him, and thought to be a very ill symptom. [illegible] public affairs, and therefore the next morning [illegible] to the commons:

"Mr. Speaker; The king hath granted a [illegible] coming in person, and had granted a commission to several peers for passing the Bills [illegible] other bills: 'An Act for the Attainder of the [illegible] Also, 'An Act that the solemn affirmation [illegible] the king had a short fit of an ague, which he [illegible] turns in the gallery at Kensington; but at length, finding himself tired and faint, he sate [illegible] bably occasioned that shivering fit, which soon after seized him, and which turned to a fever, accompanied with vomiting and a looseness. [illegible] Dr. Hutton, Dr. Hannes, Dr. Brown, Dr [illegible] so violent upon him, that he refused to take [illegible] the next [illegible] a cup of chocolate, and soon after took a sleeping-draught, which had that good effect, that he rested for three hours [illegible] and a cordial, and found himself somewhat easier. [illegible] He [illegible] and [illegible] ready for [illegible] assent [illegible] Bills that were ready for his assent; and, because he was now [illegible] own [illegible], a stamp was prepared, for his signing the Commission, which [illegible] They came to the king when his fit began, and [illegible] were [illegible] In the mean while, [illegible] the [illegible] commons moved for an adjournment, though the [illegible] them not to [illegible] for some time. By this means the party [illegible] the Bill of Abjuration would be lost. But, as it was contrary to all rules to adjourn, when such a Message was sent to them by the lords, they waited till the king had signed the commission, by which [illegible] was given [illegible] the [illegible] However, [illegible]

On the same day, about five in the morning, the earl of Albemarle, [illegible] to put [illegible] arrived at [illegible] being willing at that time to be retired, bid him go [illegible] rest, [illegible] to him some hours after. The earl attended accordingly, [illegible] the posture of affairs in Holland, that, if matters of that kind could have wrought on the king, it must have revived him; but the coldness, with which he received it, shewed how little hopes were left. Soon after he said, 'Je tire vers [illegible] draw towards my end.'

In the evening an extraordinary council was called, before whom the physicians appeared frequently, and at last acquainted them by sir Thomas Millington, that all their hopes, under God, depended upon [illegible] cordials, which [illegible] prepared [illegible] for his majesty's taking some little sustenance. Upon this [illegible] Devonshire and several other noblemen desired Dr. Bidloo to press him to take something. Accordingly Dr. Bidloo [illegible] to which he returned this answer, 'Lift me up, and I will take as much as 'I can of what is thought proper.' Then he took some of Raleigh's cordial, with the julep, [illegible] after some hot claret. About [illegible] Dr. Bidloo [illegible] 'I [illegible] have done [illegible] your art can do for 'my relief; but, finding all means ineffectual, I submit.' About three o'clock on Sunday morning he called again for Dr. Bidloo, and complained to him, that he had had a bad night, and could not sleep. Upon that he sate up, and leaned on him, saying, 'I could sleep 'in this posture: sit nearer me, and hold me 'so for a little time.' In this posture he slept about half an hour, and, when he waked, said, 'You can bear me up no longer.' Then he was held up by Mr. Freeman on the right side, and Mr. Sewell on the left, both of them having pillows in their arms. Soon after the physicians gave notice, that they were of opinion [illegible] long [illegible]

The archbishop of Canterbury and the bishop of Salisbury [illegible] him from Saturday [illegible]ing, and did not leave him till he died. The [illegible] prayed [illegible] day, but [illegible] so weak, that he could scarce speak, but gave him his hand, as a sign, that he [illegible] believed the truth of the Christian Religion, and said, he intended to receive the Sacrament. His reason and all his senses, were intire to the last minute. About five on Sunday morning he desired the Sacrament, [illegible] of the [illegible] the colours and guards, [illegible] the [illegible] not betray the least concern or fear of death, but laboured to speak with ease and chearfulness; and particularly [illegible] services. He took leave of [illegible] others, and [illegible] the lord Albemarle the keys of his closet and scrutore, telling him, that 'he knew what to 'do with them.' After seven o'clock, he took Dr. Bidloo by the hand, and, breathing with great difficulty, asked him, 'If this could last long?' The doctor answering 'No,' he asked again, 'How long?' To which the [illegible] replied, 'An hour, or an hour and half; though 'you may be snatched away in the twinkling of 'an eye.' After that, while the doctor was feeling his pulse, the king took him [illegible] hand, saying, 'I do not die yet; hold me fast.' Having taken a little of the cordial potion, he [illegible] the earl of Portland. [illegible] came to him, [illegible] not able to hear any [illegible] sound; so the king took him by the hand, and [illegible] He [illegible] Between seven [illegible] to [illegible] expired [illegible] arms of Mr. Sewell, one of the pages of the back stairs, in the 52d year of his age, having reigned 13 years and one month wanting two days.

APPENDIX

APPENDIX

TO

VOL. V.

Nº I.

Some OBSERVATIONS concerning the regulating of Elections for Parliament, found among the Earl of Shaftesbury's Papers after his Death, and now recommended to the Consideration of this present Parliament. [That is to say, the Convention Parliament which met on the 22nd of January 1688, for it was not till then that these OBSERVATIONS were made public[*].

THE parliament of England is that su- [illegible] beauty, so will also all acts and performances which are derived from it, bear a suitable proportion and similitude. For whether the con- [illegible] as may give it the denomination of 'sanctum indoctum' or 'insanum,' (by which epithets [illegible] and distinguished) such will also be, all the [illegible] likeness of that to which it owes its being. This great council bears a date, coævous per- [illegible] caution, with relation to the innocence and [illegible] being. It was then, that a deed of three [illegible] in things of smaller concernment, so most es- [illegible] ment) so to erect its bulwarks and rampiers, [illegible] corruption may make no breaches or inroads into it. It is here, our care and diligence [illegible] ness; for as our laws and government are es- [illegible] misery from no other source. It is from the [illegible] tection; I hope therefore it may not seem [illegible] every branch and fibre may with the greater [illegible] that no defects or redundencies may continue; but that every individual of this great body [illegible] expected from their councils, and a well con- [illegible] able to believe, that the privilege of sending representatives to parliament, (though grounded upon a natural and fundamental right in the people) was at first immediately derived [illegible] ceeding ages, we find him sending his writs di- [illegible] I cannot affirm, because some learned in the [illegible] by act of parliament. But others are again of a contrary opinion, as was adjudged in the [illegible]

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[*] Somers' Tracts, 1 coll. vol. i. p. 68.

[illegible] other method. It is, moreover, a thing of very dangerous consequence, to have such a power lodged in the king alone; for then he might [illegible] pleases, and by the same power place the election of their representatives in a select [illegible] pleases. Wherefore I conceive this point ought now to be settled, so as for the future to obviate all such inconveniences which might [illegible] requires the care of this great council, is to limit and restrain the exorbitancies of a quo [illegible] have their privileges and immunities secured, from the judgment of a corrupt judge, who [illegible] only 'ad voluntatem domini.' If this grievance [illegible] new ones, to the inevitable overthrow of our [illegible] foundations of our happiness will be so laid, as [illegible] which have right to elect, and which in several [illegible] inconvenience they labour under, is the variety of their respective titles; some claiming to elect [illegible] a select number, others by the populacy; some by the magistrate and burgesses, others by the [illegible] ancient borough houses only; the rest of the [illegible] Nor can a committee of elections ever settle their respective titles, by a final determinative [illegible] nion upon one and the same title, and in the [illegible]

they be a select number, or the whole popu-[illegible] hers of parliament by the people, was that no [illegible] helm, but with the steerage and direction of [illegible] sented without a vote in the choice of their [illegible] three or four houses, send each of them two representatives to parliament, whilst others (which contain an hundred times their number of houses, people, trade, and wealth) have no representative at all in the management of [illegible] sends no less than forty three members to par-[illegible] Chester sends but four, and the twelve counties [illegible] From this inequality of representation, it follows, that acts are often made which re-[illegible] advantage of some particular places; as was [illegible] numerary votes of some counties, which have more electing boroughs, than, upon a just and equal dividend, do fall to their share; and [illegible] consideration in the same, or in other coun-[illegible] bridge, Bedford, Hertford, Huntingdon, &c. Where the electing right is committed to a select number, I think it were desirable, that [illegible] would in a great degree prevent pre-engage-[illegible] great number of electors in popular boroughs, [illegible] or a pot of [illegible] more enlarged, have their thoughts so like- [illegible] great trust, the breach whereof might at [illegible] stance, which has been the acquisition perhaps [illegible] by the Statute of 8 Henry vi. c. 7. it was enacted, that no knight of the shire should be [illegible] clear yearly value of 40s. per annum, which [illegible] our trade. And I think it but reasonable that [illegible] to a fourth part of what they now are, and thereby the unreasonable expence in entertaining so great a crowd, and the great dan- [illegible] table multitude, would be in a great degree [illegible] ing ought to be men of substance, so in a pro- [illegible] cies, in conjunction with a foreign temptation, [illegible] also give a lustre and reputation to our great council, and they security to the people; for their [illegible] acts and councils. Thus a good estate may be a good security to engage faith and honesty; [illegible] ought not only to be a graduate in fortune, but [illegible] the quality of a burgess for parliament, chosen [illegible] the landlord of a neighbouring borough, or is [illegible] thence the necessaries of a numerous family. [illegible] spent in childhood and vanity) seem to be few [illegible] gravity of an English senator; and why so [illegible] yet but a novelty to the world, should be admitted to a place in this great council, [illegible] rience must be excluded, I do not understand. By the 1 H. v. ch. 1. it is enacted, that every [illegible] will be worth consideration; for a confinement [illegible] long robe, who by their profession are obliged [illegible] baits, have so seduced these poor rural ani- [illegible]

But when all is done, it will be found difficult [illegible] irregular structure into a convenient uniformity. [illegible] and altered, yet there still remains something [illegible] vernment, which is not so agreeable to a curious thought. A true and perfect model to build by, is what I dare not pretend to give, yet [illegible] respect then, that every individual person in the nation, has a natural right to vote in this great council; but this being impracticable, [illegible] ter-familias, or house-keeper, is a natural [illegible] over his family, and has by necessary conse- [illegible] and certain hour the day following, in order to [illegible] church-wardens of each parish prepare a list [illegible] wealth, gravity, and wisdom in their parish [illegible] through the [illegible] to the [illegible] elect [illegible] purpose, that every house-keeper do, by a dot with a pen, adjoined to the person's name whom he inclines to elect, declare his choice; and that by the plurality of [illegible] persons, let the sheriff prepare a list in the same manner, [illegible] are [illegible] at least 10,0[illegible] and not under forty years of age; which being in readiness, let all the representatives of parishes, chosen as aforesaid, repair to the county town, the [illegible] and there proceed [illegible] the sheriff's list, seven, nine, or eleven members to serve in parliament, or so many as, upon a just dividend shall be [illegible] expedient to complete the number of members, which are to act in this great council. Before the electors proceed to chuse for the county, it might probably be convenient to administer an oath to this purpose: That their vote is no way pre-engaged; and that they will chuse, without favour or affection, such members as in their conscience they do believe most fit to serve in parliament. And that to the members elected, upon their admission to the house, this oath, together with the others in use, be administered, viz. That they are worth 10,000*l.* all their debts paid; and that directly, or indirectly they did not expend any money, or gratuity whatsoever, in order to their election; and that they neither have, nor will receive any gratuity whatsoever, upon the account of their vote in parliament; but that they will in all matters that shall come before them, act uprightly according to their conscience and understanding, without any private design, favour, or affection to any. That to prevent the inconveniencies of fear and favour in electing, the method be such, that none may know on whom the electors votes were conferred; and it may be thus performed. Suppose a room with two opposite doors, and a table in the middle, on which the list shall be spread. All the electors being at the door, let them go in one by one, each writing down his dots, and going out of the room at the other door before another comes in; or if this may prove tedious, it is only placing more tables in the room, with every one a list on it, and so many may then be admitted in at once, as there are lists, which will make greater dispatch, and yet no discovery, in that every list is upon a separate table. To prevent all fraud and indirect practice, it will be convenient that the officers concerned in the elections [illegible] parishes, and in the county, be [illegible] under oaths. It is also fit that a limited allowance be made for the expence of the day, which is to be borne by the parishes, [illegible] the [illegible] the county town at the charge of the [illegible]. If any controversy arise about the elections, either in the parishes or counties, (which in this method can scarcely be supposed) it may be decided by the votes of the remaining persons upon the list, who pretend to no election. If several persons happen to have an equal number of votes, it shall be determined by lot. If [illegible] person, from any part [illegible] send his name to any particular county, to be inserted in their list, as a person qualified to serve in parliament; it may be done; but none to stand candidate, in more than one list at a time, lest he should be chosen in both counties, and so occasion the trouble of a new election. That the same list of candidates shall continue till the dissolution of the parliament, if it sits not above three years; and upon the intermediate death or removal of any of the members for the county, then he who had the next majority of votes upon the list, to succeed in his place, without further trouble or charge of election. By this method, the parliament will be a perfect representative of the whole body of the people, and also of every numerical person in the whole nation. Here can be no partial (and consequently prejudicial) acts made by separate interests or factions: None will sit in this great council, but men of gravity, wisdom, integrity, and substance: No pensionary members; no unfair elections; no foul returns; no petitioners kept in attendance till a dissolution; no quo warrantos to destroy the natural fundamental rights of the people; no room for corruption, bribery, and debauchery, either in the electors, or the members elected; no patrimonies wasted in the extravagancies of an election; no bankrupts shrouding themselves under the shelter of a parliamentary privilege; no unruly rabbles, tumults, factions, and disorders in election, amongst the commonalty; no heats [illegible] animosities amongst the gentry, [illegible] caused by their violent competitions: But all will be managed with that evenness, justice, and temper, that nothing can more effectually conduce to the securing of our liberties and properties, the grandeur of our government, and the honour of our nation, than such an establishment.

No II.

A Debate upon the Query,* whether a King elected and declared by the Lords spiritual and temporal, and Commons assembled at Westminster 22d of January, 1688, coming to and consulting with the said Lords and Commons, doth not make as compleat a Parliament, and legislative Power and Authority, to all Intents and Purposes, as if the said King should cause a new Summons to be given and new Elections to be made by Writs.

THAT the highest and supreme court of this [illegible] the parliament, I need not [illegible] out, but present [illegible] A parliament [illegible] the king's [illegible] 1st, [illegible] 2dly, [illegible] force of the king's writs. [illegible] court of commons, [illegible] land, wherein the king [illegible] parliament. [illegible] land and Wales [illegible] But the lords and commons assembled at Westminster [illegible] of January last were not summoned [illegible] by the king's writ, and therefore, [illegible] though the king afterwards comes to [illegible] such king, lords and commons [illegible] a parliament. In answer to which, and to demonstrate whether upon the king's coming to and consulting with them, the said [illegible] a compleat parliament, I must premise, that in extraordinary cases, [illegible] different exigence, we must [illegible] from the ordinary rules and precedents [illegible] as come nearest, and are most like to them, [illegible] representatives [illegible] of their own, to [illegible] practice [illegible] the emperor Charles [illegible] Ferdinand [illegible] the king [illegible] recorded that king [illegible] writ [illegible] In [illegible] where a king [illegible] absence, [illegible] such a people may [illegible] case king James [illegible] material, but away [illegible] foreign army [illegible] ministers of state [illegible] lords spiritual and temporal, [illegible] members of a former parliament; the aldermen and divers common council of

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* Somers' Tracts, 2d coll. vol. iv. p. 34. See Proceedings of the 11th Feb. 1688.

[illegible] of Lon[illegible], addressed themselves to his [illegible] of Orange [illegible] [illegible] the peace of the nation, [illegible] the [illegible] estates [illegible] they [illegible] his highness to send letters [illegible] the lords spiritual and temporal [illegible] Protestants, to meet [illegible] January, at Westminster, [illegible] known popish lords since the Test-Act. And they desired his highness to send the like letters to the several shires, counties, universities, cities, [illegible] for electing of such number of persons to represent them, and to meet on the said 22d of January, [illegible] were to be sent to parliaments, with directions [illegible] persons [illegible] according to [illegible] members for parliament: and accordingly such letters were sent, [illegible] lords [illegible] said 22d of January: and after mature and [illegible] and that the sole and full exercise of the regal power be in the prince only, in the name of [illegible] Now [illegible] would fain know what is wanting in that assembly [illegible] the said king should issue out writs for calling a new parliament? Certainly nothing more can be had material to the essence of a parliament. If the substantial parts of a parliament [illegible] estates, as I have shewed that it is out of the [illegible] letter is nothing material since both writ and letter are to the same effect; and in some ancient [illegible] should be summoned by letters, particularly in king John's great charter in the 17th year of his reign [illegible] letters. Orig. Jud. 17. The prince of Orange's not being king at the time of his sending forth his letters, [illegible] to whom the [illegible] government was then committed. It is evident, that in [illegible] parliaments [illegible] the king [illegible] came [illegible] as

that they were together. [illegible] Orange's letters [illegible] Jan. 1325. This one would think was pretty hard, and an absolute force upon the king by making use of his name against his will, so that it could not be said to be his act; yet the [illegible] mons, so (as I may say) irregularly convened together, made several acts of parliament, and have been ever since adjudged a good parliament [illegible] ner Rich. ii. being taken prisoner by Henry [illegible] lords and commons assembled at Westminster, [illegible] judged a parliament, and they enacted that [illegible] tion; and they continued as a parliament, until [illegible] above eight months; but indeed most or all [illegible] writs in May 1661: but that confirmation, according [illegible] confirming parliament began. If upon the [illegible] parliament, if the same number of knights, [illegible]

[illegible] consequently there are all the substantial and essential parts of a parliament met together, [illegible] solve these and thereby give new trouble of new summons, of new elections, lose a great [illegible] mage to Ireland and our allies abroad; and after all, at the next meeting, be but where we now are, as to the essential parts of a parliament [illegible] I can see no material difference as to the making of a parliament, whether the king come to the [illegible] letters call them to him: and therefore I con[illegible] clared and proclaimed king, doth come to the [illegible], they will be as good a parliament as if he should issue out new writs of summons, and they should meet again by force thereof.

No III.

The Earl of SUNDERLAND'S Letter to a Friend in the Country, plainly discovering the Designs of the Romish Party, and others, for the subverting of the Protestant Religion, and the Laws of the Kingdom.

Licensed and Entered, March 23, 1689.*

TO comply with what you desire, I will ex[illegible] England. I have been in a station of [illegible] I was in it, and to my ruin now I am out of it. I know I cannot justify myself by saying, though it is true, that I thought to have prevented much mischief; for when I found that I could not, I ought to have quitted the service: neither is it an excuse that I have got [illegible] men in public affairs: my quality is the same [illegible] ruined, though I was born to a very considerable one, which I am ashamed to have spoiled, [illegible] expect: the pretence to a dispensing power being not only the first thing which was much [illegible] the foundation of all the rest, I ought to begin with that, which I had so little to do with, that I never heard it spoken of till the time of Mon[illegible] the council, of which I was one, that he was [illegible] tholics, it being fit that all persons should serve [illegible] depend. I think every body advised him [illegible] seen: that party was so pleased with what the [illegible] debates whether it was proper or not, in all which I opposed it, as is known to very consi[illegible] ther opinion, for I thought it would engage the [illegible] to prorogue it. After which the king fell immediately to the supporting the dispensing power, [illegible] as absolute as in Turkey, all power being included in that one. This is the sense I ever had of it, and when I heard lawyers defend it, I never changed my opinion or language: however it went on, most of the judges being for it, and was the chief business of the state, till it [illegible] astical court was set up, in which there being [illegible] I could have but a small part; and that after [illegible] nothing like the high commission court, I can most truly say, and it is well known, that for a good while I defended Magdalen college purely by care and industry, and have hundreds of [illegible] I endeavoured, though without success, drew [illegible] take off the penal laws, and the tests, so many having promised their concurrence towards it, [illegible] which made all the catholics desire it might be dissolved, which I was so much against, that they complained of me to the king, as a man who covered all his designs by [illegible] That it was first offered at by the lord Clifford, who by it had done the work, even in the late king's time, if it had not been for his weakness, and the weakness of his ministers: yet I hindered it [illegible] several weeks, by telling the king that the parliament in being would do every thing he could desire, but the taking off the penal laws and the tests, or the allowing his dispensing power; and that any other parliament, though such a one could be had as was proposed, would probably never repeal those laws; and if they did, they would certainly never do any thing for the support of the government, whatever exigency it might be in. At that time the king of Spain was sick, upon which I said often to the king, that if he should die, it would be impossible for his majesty to preserve the peace of Christendom; that a war must be expected, and such a one as would chiefly concern England; that if the present [illegible] the help and service he could wish; but in case he dissolved it, he must give over all thoughts of foreign affairs, for no other would ever assist him, but on such terms as would ruin the monarchy; so that from abroad, or at home, he would be destroyed, if the parliament were broken, and any accident should happen, of which there were many, to make the aid of his people necessary to him. [illegible] and [illegible] more I said to him several times privately, and in the hearing of others; but being overpowered, the parliament was broke, the closetting went on, and a new one was to be chosen; who was to get by closetting, I need not say, but it was [illegible] any of my friends, [illegible] them suffer[illegible], whom I would fain have saved; and yet I must confess with grief, that when the king was resolved, and there was no remedy, I did not quit, as I ought to have done, but served on in order to the calling another parliament. In the midst of all the preparations for it, and whilst the corporations were regulating, the king thought [illegible] Declaration [illegible] churches, of which I most solemnly protest, I never heard one word, till the king declared it in council; that drew on the petition of my lord the arch-bishop of Canterbury, and the other lords the bishops, and the prosecution, which I was so openly against, that by arguing continually to shew the injustice and imprudence of it, I brought the fury of the Roman Catholics upon me to such a degree, and so [illegible], that I was just sinking, and I wish I had then sunk: but whatever I did foolishly to preserve myself, I continued still to be the object of their hatred, and I resolved to serve the public as well as I could, which I am sure most of the considerable Protestants then at court can testify, and so can one eminent man of the country, whom I would have persuaded to come into business, [illegible] might have done, to have helped me [illegible] the violence of those in power, but he [illegible] therefore would not engage. Some time after came the first [illegible] prince's [illegible] for the great [illegible] taken [illegible] could not be [illegible] be imagined till seen nearer hand. Upon the first thought of his coming I laid hold of the [illegible] king [illegible] things which I would have had done sooner; [illegible] college, and all other ecclesiastical preferments, which had been [illegible] London's suspension, to put the countries into [illegible] to annul the ecclesiastical court, and to restore entirely all the corporations of England: these [illegible] some about the king; and it was then thought I had destroyed myself, by engaging against the whole Roman Catholic party, [illegible] a height as had not been seen; they dispersed libels of me every day, [illegible] king [illegible] betrayed him, that I ruined him by persuading him to make [illegible] chief of the disaffected nobility and gentry, which was proposed as a certain way to break [illegible] his majesty to call a free parliament, and to [illegible] assistance. It is true, I did give him those councils which were called weak to the last moment he suffered me in his service; then I was accused of holding correspondence with the prince, and it was every where said amongst them, that no letter could be [illegible] as I was to [illegible] Leicester [illegible] Hamilton, and the marquis of Halifax. After this accusations [illegible], with some [illegible] affairs abroad, drew the king's displeasure upon me, so as to turn me out of all without any consideration, and yet I thought I escaped [illegible] head, as my lord Middleton can tell, and I believe none about the court thought otherwise; nor had it been otherwise, if my disgrace had been deferred a day longer; all things being prepared for it, I was put out the 27th of October, the Roman Catholics having [illegible] the [illegible], besides [illegible] upon me before, and [illegible] to do what [illegible] necessary for the [illegible] affairs, of which they never had greater hope than at that time, [illegible] desired I would say something to you of Ireland, which I will do in very few words, but exactly

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* Somers' Tracts, 1 coll. vol. iii. p. 602.

[illegible] lute there, that I never had the credit to make an ensign, or keep one in, nor to preserve some [illegible] cerned, from the least oppression and injustice, [illegible] power; but yet with care and diligence, being upon the place, and he absent, I diverted the calling a parliament there, which was designed to alter the acts of settlement. Chief justice Nugent, and baron Rice, were sent over with a draught of an act for that purpose, furnished with all the pressing arguments could be thought on to persuade the king, and I was [illegible] time the injustice of what was proposed to him, and the prejudice it would be to that country, [illegible] I was helped in by some friends, particularly my lord Godolphin, who knows it to be true, [illegible] others. I cannot omit saying something of France, there having been so much talk of a league between the two kings. I do protest I never knew of any; and if there were such a thing, it was carried on by other sort of men last summer. Indeed French ships were offered to join with our fleet, and they were refused; since the noise of the prince's design more ships were offered, and it was agreed how they should be commanded if ever desired. I opposed to death the accepting of them, as well as any [illegible] truly, that I was the principal means of hindering both, by the help of some lords, with whom I consulted every day, and they with [illegible] I [illegible] was agreed upon since I was out of business, [illegible] wise, I believe nobody thinks my disgrace [illegible] things I opposed and detested, whilst some I could name have been the inventors and con[illegible] upon others; and I was often foolishly willing to [illegible] it. I lie under many other misfortunes and afflictions extreme heavy, but I hope they have [illegible] the loose, negligent, unthinking life I have hitherto led, having been perpetually hurried [illegible] hope, I say, that I shall overcome all the dis[illegible] and that I shall spend the remaining part of it [illegible] me strength to bear them, one of which he will certainly grant to such as rely on him, which I hope I do, with the submission that becomes a good Christian. I would enlarge on this subject, but that I fear you might think something else to be the reason of it, besides a true [illegible] train myself at present. I believe you will [illegible] I cannot be doing what you desire of me.

N° IV.

A VINDICATION of the Proceedings of the late Parliament of England, An. Dom. 1689, being the First in the Reign of their present Majesties King William and Queen Mary.*

By JOHN LORD SOMERS

I. THE proceedings of the late parliament [illegible] interest in general, and in particular to the Church of England, that all true Englishmen must needs acknowledge they owe to the then [illegible] their liberties, their lives, their religion, their present and future security from popery, slavery, and arbitrary power, had they done no[illegible] consequence of a power of dispensing, or sus[illegible] of a Protestant prince, who is the very centre, [illegible] xiv, called to a just account for all his unjust, arbitrary, and tyrannical proceedings against [illegible]

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* Somers' Tracts, 1 coll. v. ii. p. 341.

[illegible] ing in the least, after the example of their neighbours, against prelacy, but rather favouring it by such acts as fit only episcopal men for [illegible] satisfaction to the Church of England; without any just offence, either given to the dissenters, who, [illegible] own hearts desire, their long wished for liberty, without being liable to the lash of the law, for serving God after their own way: notwith- [illegible] thing it is to content all parties; not a few vent their malice in every corner, yea, and in [illegible], though all their proceedings hitherto tend so directly to the general good of the nation, that we must either want common understanding not to see it, or prove most ungrateful to our representatives not to acknowledge such [illegible] ful returns. To proceed with some method [illegible] ment, I shall, first, take a summary view of the late condition of our affairs; and, 2dly, give a full answer to whatever is maliciously suggested to the unthinking multitude; yea, and in printed pamphlets likewise, to the seducing of the simple, and to the great encouragement of [illegible] present government.—IV. If we consider in what condition we were in, the two last years of [illegible] possible for us to imagine from whence our relief should come. A power of dispensing with, and suspending of laws, and the execution of [illegible] of divers worthy prelates: the court of commissioners for ecclesiastical causes was a sort of inquisition; or, at least, a certain fore-runner of the new way of converting people, by [illegible] of armed dragoons: the levying money for, and to the use of the [illegible] time, and in other manner, than the same was [illegible] but a preparatory contrivance, to try afterwards a French experiment upon the gold and silver of the nation: the horrible and illegal punishments inflicted by corrupt judges, exces- [illegible] any conviction or judgment against the persons, upon whom the same were to be levyed; and all the other injustices, grievances, and irregu- [illegible] sitions to the new modelling of the nation into a frame, the more easily to be wrought upon [illegible] guments could not prevail, as it was impossible [illegible]

[illegible] threatening French greatness: the French [illegible] threaten all his neighbours with the utmost de- [illegible] from oppression and slavery, since none are [illegible] as the French papists themselves: this is but a short and summary view of the public calamities and miseries we lay under, till our deliverer came over to free us from them, by the best methods our representatives could fall upon for our safety in times to come: which are certainly such as give full satisfaction to all good men, and loyal subjects, that are not still in love with popery and slavery, both of body and soul, which always attends it: so that the present posture of our affairs is now such, that we have all reason to hope, if we can but [illegible] come again, as it was of old, the terror of France. Europe never bid fairer for a level of the French monarch, he being now surrounded [illegible] oaths, by his oppressions and invasions, contrary to all Treaties made with him, either of peace or truce.—VI. We cannot then but highly commend the prudent measures of the last parliament, for supplying his majesty with necessaries, towards a vigorous prosecution of this present war the nation so long wished for in vain; the French interest prevailing too much formerly at the court of England, against the interest of the Protestant religion, and of [illegible] into a belief of a happier condition under another change of affairs, seem not to understand their true interest; for must we expose ourselves to a certain ruin, to the loss of our lives [illegible] the maintenance of a war, so necessary in this present juncture of our affairs? our all lies now at the stake, our lives, properties, liberties, and religion: should any tax, or impost, put us out of humour, and cause us to wish for a change, as if we could pretend to any security, [illegible]

VII. Are we not sufficiently acquainted, from [illegible] principle, that a papist is obliged to break his oath taken not to extirpate heresy, as soon as he is in a capacity to root out what he thinks heresy, under a no less pain than that of eternal damnation? king Lewis has satisfied all the [illegible] no calumny; and king James cleared all our [illegible]

[illegible] our trade at sea, and the Frenc[illegible] slips: this is but a mere groundless [illegible] weak minds, that neither understand their own [illegible] homewards are informed of a war declared, [illegible] measures, that it shall not be hereafter in the power of the French to put a stop to our trade, [illegible] Dutch, it is a groundless supposition, though [illegible] be easily made out to an unprejudiced mind; [illegible] of such as discourse after this rate, or their [illegible] a small inconveniency of not so full a trade, to [illegible] never happen but in one of these three ways, either by the returning of king James again, or by the invasion of king Lewis, or by a civil war at home; which last thing, if some do [illegible] their own ruin, and that of their country; and if they would have king James to come again, must he come in by conquest? if he ever recovers Engl[illegible]

[illegible] If our pamphleteer pretends to a change of [illegible] have stood in opposition from all times to the [illegible] cessity part with, if the French ever got footing in England.—X. I confess, as things now stand, there is little or no danger at all of their [illegible] is a mere groundless aspersion, since all his [illegible] are natives, either of England, Scotland, or Ireland: does the French king mistrust his [illegible] sion; the true reason of this common practice is, that an army consisting of forces of differ[illegible]

[illegible]

[illegible] in a time when things were not as yet settled upon so sure a foundation as they now are.— [illegible] lousy of his majesty's being a sincere protes- [illegible] sooth the parliament is likelier to give him more power, than if he were a papist, or of a contrary religion to that of the nation. This is such an unaccountable reflection, that I cannot but wonder to hear it from the mouth [illegible] sense or reason: for, 1st, At this rate of arguing, it would be better for us to have a king we hated and feared, than one of the same religion we loved, and were sure of; which is such an absurd inference, that none but a madman can propose it as reasonable. 2dly, Grant what he says to be true, as it is not, our religion, however, is secure, and perhaps the [illegible] But, 3dly, As our late representatives gave so [illegible] him a king, and a powerful one too, so on the other hand, they have had so much regard to [illegible] vileges and civil rights from any future in- [illegible] absolute sovereigns, that through an excessive [illegible] ship their kings as Gods, allowing them an [illegible] mit of in a being of a limited nature, or at least allowing them to be the fathers, and ab- [illegible] kings generally came out of the people's loins, [illegible] neither, but are to enjoy under their govern- [illegible] unreasonable, than a blind obedience to earthly [illegible] edly is, because of their uncontrolled power of [illegible] other reasons of that kind, though William in, [illegible] us from the encroachments of [illegible] succeeding ages, have thought fit to declare and [illegible] upon such a sure foundation, that England now [illegible] their own happiness. 'Fœlices nimium bona si [illegible] pecially declared in this act, secure us from op- [illegible] The rejecting of either a dispensing or suspending power. 2dly, All grants of money for, or to the use of the crown, reserved to the parliament for the time in being. 3dly, The [illegible] unless the parliament give consent to the keeping them on foot. 4thly, The settling of the succession of the crown. I need mention [illegible] we are the only subjects in the world, that can [illegible] princes cannot dispense with our laws, as they [illegible] give us, for the only reason of their kingly actions, Tel est nostre bon plaisir. Their good- [illegible] with us of late, we could never yet fall in love with so absolute a mode as this. As our kings must act by law, and not absolutely, though real kings, they do nothing of moment, but by and with the advice of their parliaments: our happiness then consists in this, that our princes [illegible] its full force; because if they destroyed the [illegible] become arbitrary, absolute, or tyrants, without [illegible] count, that our kings can neither suspend nor [illegible] of this act, which tells us, 'That levying money [illegible] prerogative, without grant of parliament, for longer time, or in other manner, than the same [illegible] may easily think our security greater than that [illegible] but a moment upon this important article, that we are never obliged to open our purses, but [illegible] our interest; which being equally theirs at the same time, we have no reason to fear that [illegible] our affairs, to prevent the return of popery and [illegible] government to be envied by all our neighbour nations; and the happiest that can be imagined; for there being no surer way for a prince to become absolute, arbitrary, and a tyrant, [illegible] just or unjust, he is disabled by this act from doing them any mischief that way, I mean, by squeezing the blood out of their veins; that is, the money out of their pockets, for any [illegible] mere slaves: to the want of privilege, we may [illegible] groans under, their prince disposing absolutely [illegible] heavy taxes upon his subjects, as leave them not money enough to buy leather shoes, instead of which they are forced to make use of wooden ones; so that the French are not so much in the wrong, as one would think, when in their flattering panegyrics they style him sometimes their God, since they in a manner are his creatures, whom he creates or destroys, by the least word of his mouth; for so absolute his power is, that his will is the only [illegible] money, if his subjects cannot supply him other- [illegible] I have known in France poor people sell their beds, and lie upon straw, sell their pots, kettles, [illegible] how much happier we are; as being laden with [illegible] can call our own, under the protection of our laws. Should we then leave any stone unturned [illegible] utmost such a cruel conqueror, as the French king would undoubtedly prove, if he ever, to our great misfortune subdued us?—XX. But let us speak one word to the third thing I mentioned before, that by this act we are to have no standing army in time of peace; the advan- [illegible] a little aside towards our neighbours the French, they suffer patiently in time of war the heaviest taxes, [illegible] much to be pitied, as now they are, if a peace [illegible] dition, for they are then in a worse condition, in a manner, than they were before, because the standing armies impower their prince to do what he pleases in time of peace; it is then [illegible] crown; so that it is no wonder if the French [illegible] whereas in the time of a settled war, they [illegible] partly taken up in opposing a foreign enemy. [illegible] our happiness had not been lasting, as it is now like to be for ever; and it is the settling of the succession of the crown upon Protestants, and none but Protestants: the words of the act are so remarkable, that I think it fit to insert them here, before I give you my reflections upon them.—'Whereas it has been found by sad experience, that it is inconsistent with [illegible] governed by a popish prince, or by any king or queen marrying a papist, the said lords [illegible] every person and persons, that is, or shall be reconciled to, or hold communion with the See or Church of Rome; or shall profess the popish religion, or shall marry a papist, shall be [illegible] thereunto belonging, or any part of the same, or to have, use, or exercise, any regal power, [illegible] in all, or every such case, or cases, the peo- [illegible] time descend to, and be enjoyed by such person or persons, being Protestants, as should have inherited and enjoyed the same, in case [illegible] protestant kingdom, to be governed by a po- [illegible] a papist: if we look back to the public trans- [illegible] disturbances from his marrying a popish [illegible] hopes to bring her to a better temper, by re- [illegible] secret intrigues with France; yea, and some- [illegible] had shewn himself somewhat too much inclined to the popish way of worship: but whether [illegible] not, it is certain this unlucky match was the [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] papist, or popishly inclined; and upon this [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] whole kingdom: so true it is, that it is incon- [illegible] governed by a prince thought to be popishly [illegible] a sincere, zealous, and professed papist, as we [illegible] [illegible] [illegible] he reigned longer over us, is so evident to all seeing men, that I need not enlarge upon the matter here. I shall only add in this place, in [illegible] by the late parliament, 'that it is inconsist- [illegible] to be governed by a papist,' that when our prince is a real papist, he is obliged by the principles of his religion, to do his utmost endeavours to submit his subjects to the pope's [illegible] XXIII. [illegible] then of course look upon his subjects as real heretics, and schismatics, whom if he do not root out by all possible means, he is liable to [illegible] [illegible] of Lateran; how then can a protestant nation put any trust in such a prince, whose whole business is, and ought to be, to destroy their religion, and force them to return to the [illegible] jects cannot trust their sovereign, it is but ra- [illegible] [illegible] [illegible] have any piety at all, than their very lives; but [illegible] needs breed stirs in a nation, to the general disturbance of the natives; since the politic body, no more than the natural, can be a moment in a quiet temper, without a free and [illegible] [illegible] If a popish prince is obliged in conscience, as I elsewhere intimated he is, neither to stand [illegible] [illegible] mise, to maintain and defend our Church; or [illegible] [illegible] do it, in case he finds himself in a posture to undertake its ruin? But, Thirdly, to be somewhat more particular, the safety of this nation [illegible] [illegible] shall here mention.—XXIV. Of all the different persecutions of the Church of God, none [illegible] [illegible] Roman emperors, I confess, exercised all ima- [illegible] mitive Christians, but never attempted, or, pretended any right over their souls, and consciences; they banished them, tortured them, in- [illegible] [illegible] [illegible] Though he was engaged by the most solemn edicts of Nants and Nisme, and by his corona- [illegible] [illegible] [illegible] [illegible] upon that account to depart out of it, if they [illegible] [illegible] christian soever; but not to suffer his subjects to leave him, nor to live with him, without [illegible] ment, but by all the wounds the dragooning sword could inflict, that of death only, which in this case was the least, excepted, is such an example of cruelty, as is not to be paralleled [illegible] [illegible] not a little to our late happy revolution, by determining the English, through an absolute [illegible] safety; for had they not reason to look to themselves, considering the proceedings of the French king, contrary to all his oaths and pro- [illegible] Hugonots; they could not but know that the [illegible] terest of the Church of Rome, than Lewis xiv. himself: so that they could not in prudence but take to measures they have so successfully taken, for their own preservation, and that of [illegible] word, nothing could be more terrible to the [illegible] [illegible] [illegible] such a powerful ally as Lewis xiv. The late [illegible] king James had made, in a very short time, [illegible] [illegible] pressions such a precedent as that of France might make upon a prince, that needeth no spur to the promoting of his own religion, thought it fit, and absolutely necessary, for the safety of the protestant religion, and the peace [illegible] imperial throne of England all popish princes, whereby not England only is secured from [illegible] [illegible] from different principles of religion, but likewise all the protestant princes abroad, are incouraged to stand their ground against popish [illegible] they may be [illegible] succours upon occasion, from the protestant [illegible] justify all the proceedings of the king, and late parliament, to the satisfaction of all such as [illegible] the present government; yet because some [illegible] by our late [illegible], and [illegible] ought not to have been omitted, as being un[illegible] public concerns, and peace of the nation; it may not be amiss in this place, to clear all [illegible] Why the late parliament neither settled the [illegible] nor passed the act of indemnity, though earnestly pressed to it by the king, in order to the quieting of people's minds. [illegible] relates to the [illegible] militia of the kingdom, it is to be considered, that how necessary soever it may seem to be, it was neither perhaps possible, as then things stood, nor expedient to settle it, by reason of the uncertain, and unknown disposition of most men's minds at first, [illegible] sudden revolutions, but more especially in such an extraordinary [illegible] ours was; for since our greatest strength con[illegible] or say, it was either fit, or secure, in the then [illegible] high officers, as the lieutenants of the militia are in England, till it was better known if those who were fit for such places, were really men of such a temper, as the present government might trust to, and rely upon: for extraordinary revolutions of state being much of the nature of the great waters, tossed to and fro by boisterous winds, do always require some time before they are settled again in such a calm, as may [illegible] their former measures, and new settle those who sit at the helm [illegible] the fittest methods for securing themselves, and the people under their government, from new dangers and storms, always to be feared after a sudden and unexpected calm, as ours was: we were under such a dismal cloud of imminent and threatening dangers, a little before the heavens cleared up from the Dutch Coast, that we do wonder at this very day, to see [illegible] shipwreck, as we thought ourselves then exposed to; but it is not enough that we are got on shore, and a Terra Firma to stand upon, unless by [illegible] seriously with ourselves, how to maintain our ground [illegible] sure foundation; for as our late happy revolution was a real one, how odd soever, and unlooked for, so considering how easily men change their resolutions, and because it might be immediately succeeded by [illegible] after the like manner, it was a piece of great prudence in our late representatives, not to be over hasty in settling the militia of the nation, till both they and the king were thoroughly acquainted with [illegible] with commissions of such an high concern; but [illegible] of the militia, till the hearts of men were [illegible] could inform them of. As to the act of indemnity, it is clear there was little or no inconveniency to defer it for a while; for since it relates only to such as [illegible] late reign, where is the harm if the government keep them somewhat in awe, by deferring their pardons to more settled [illegible] if they were not checked by the fear of the punishment their past crimes deserve? for it is a groundless reflection to say, that the not passing of the act of indemnity encourageth them to do their utmost endeavours towards the bringing in of king James again, since it is clear to all men acquainted with the present posture of his [illegible] even abroad, that they must [illegible] ever being secure, if they hope for no security till King James is settled upon his abdicated throne again; and may not I be allowed [illegible] ment has hitherto shewn, and will undoubtedly shew hereafter, to all such as [illegible] French king's designs against our properties, and liberties, if by the help of the Irish papists, and other malecontents, [illegible] conquer us. But to mention here another pressing particular, relating to this subject, since it is well known, that at the sitting down of the late parliament, the king, by the advice, yea, and earnest request too of our late representatives, entered into a necessary war against France on the one hand, and [illegible] papists in Ireland on the other hand, I would fain know from any [illegible] was fittest to be done in this case, was the time to be trifled away with the settling of the militia, and passing an act of indemnity, be[illegible] the principal was first to be minded before any such accessories, as undoubtedly these were, in that juncture of our affairs. Now it is methinks [illegible] preparations both by sea, and by land, [illegible] take up a great deal of time, especially when the money is to be levied in due proportion,

[illegible]

Nº V.

The STATE of Parties, and of the Publick, as influenced by those Parties in this Conjuncture, offered to Englishmen.

Printed about the Year 1692.*

'Tis a miserable circumstance, [illegible] — Of these two Interests, [illegible]

[illegible]

gratifying a passion; then are we in that state I mentioned, in the fairest, most miraculous way that can be thought on to every thing [illegible] the surest seat of the most various, sharp and last- [illegible] that ever was has taught us, from the highest re- [illegible] Romans, [illegible] Normans and [illegible] the power of the conqueror abroad, and the continuance [illegible] misfortune, but that it is a fate peculiar to us, I mean, that it is a natural evil to us more than any country, when we are low; whoever studies our situation, and the growth of nations on the continent, will know, that such a country as this is more disputable than any other: that the dominion of it cannot be so fixed, and the immediate masters of it, however powerful on the continent, not able to insure to themselves the possession of it, by holding it out against strangers, or guarding it from their enemy, so well as of other places; that this is in that sense as a frontier country; with this difference, that those that are really [illegible] may have the luck not to be so a little while [illegible] nature of a Frontier, ever to maintain war in it, and to be the subject and place of contention amongst those that are stronger than itself, whenever such there are.—In fine; That as we are an island, and have the sea round us; so by being masters of that (which is, in short, by being in the practice of it most, and [illegible] be the strongest in the world, as the world is [illegible] from foreign places, which once they could live without perhaps, but since cannot, nor can defend themselves without: this being the change that the improved art of Navigation has made in the world; tying countries to a reciprocal dependency on one another for their growths, and obliging them to some sort [illegible] posed to be with us: so that being lost to us, [illegible] nations, foreigners, whatsoever to grow (though [illegible] and Trade; this necessarily subjects us to all the miseries before pointed at, and is the direct way leading to a consequence no ways to be [illegible] that work is done, and the advantage once given up, whatever party do (as they think) their work, it is [illegible]gether vain to imagine that any such party, or any party whatsoever prevailing in this nation, or all of them united in one, can call it back. [illegible] inevitable evil that must light on all at once [illegible] with all the consequences proved; then it will be found that in the [illegible] act constantly against, but for no interest that can be called their own.—All men naturally follow their good; and it might be well objected that it were only a notion, and in effect impossible, that men should act thus, as I say, were it not through ignorance; such as is indeed in our case, the want of a sufficient conception and real sense at heart, of what is the sole safeguard and support of our country; [illegible] stand, as to that, and how amidst all, that is likely to be effected, which must (as I have said) affect us at last above every thing else. And such a blindness as this it is that men are [illegible] and the animosity of personal quarrels, or so [illegible] sinesses, men are hindered from thinking on greater evils at some distance off, and not yet [illegible] to charge every Party singly, according to what I have said, and the imputation of inconsistency that I lay on them; I instance first in those, as to the generality, who carry on king James's interest [illegible] First, then, suppose [illegible] were a service to his interest to have us weak at Sea, sunk in our Trade, in loss of seamen, [illegible] belonging; what would it avail to his friends (if Englishmen, and to no others do I speak) to have him here fixed in his government, nay fixed even with every one's consent here at home, if suddenly we found ourselves thus low? [illegible] ever come up again with other nations? Will [illegible] rise; or will they stay for us, and stop so long [illegible] them? If not, how shall we avoid the consequences above set down, and taken I suppose for granted, viz. that if we lose the practice of the Sea, we are then revolved again into our old state, mere naked Britons, his that can take us; and (according to the natural and constant practice of mankind) by their station about us, and their then readier access to us than any other place, by lying so fair, and so on all sides open; the assured common prize that every nation fights for, when aiming above [illegible]—

When once the stroke is given that [illegible] this condition, when once our Naval Sinews are cut [illegible] fixed here? How is it that either his or any government shall be said to be fixed here with us, when we ourselves, as a people, should then belong to others, or lie at power to belong to them? which, as mankind and states are constituted, is not far different, since power to take, and taking, are in those cases never far asunder; and since Parties are now easily made within a nation considerable enough to serve a turn, and for any invaders to ground upon; and that all Invasions, though [illegible] [illegible] and justice, and as though even for the very benefit of the invaded people. For no countries hardly now are ever conquered but by a [illegible] [illegible] blishment: and the name of Conquest, that [illegible] [illegible] [illegible] uant, of Assistance or Deliverance.—In short, if once we are exhausted in a war, so as that our navigating art, and all the means of it, be [illegible] [illegible] by no art can be retrieved, nor any change of fortune, but by a turn that may give us the advantage that we gave, and when all else are fighting, give us peace; an accident the [illegible] weak, we are above all others the surest to [illegible] [illegible] [illegible] let any nation whatsoever give us or return us a king; if this be the terms of such a gift [illegible] that is to bring it about, any Englishman will have but a sorry bargain, and such a king will be of little worth to us, or we to him. Grant [illegible] the end, upon the account of the lowness we shall be reduced to, left masters at Sea of all the world; and grant that they were not near [illegible] be to us? If any benefit, it will be thus, That that way it will not be determined whose we shall be, the other way it will: the one way we are a province, and must serve immediately; the other way we remain to be fought for, and the dispute must be in our [illegible] [illegible] this court in the present way, serve England [illegible] a way as is sure to sink us; set any other neighbours over us in Navigation, and do our work as to that business: they, in effect, I [illegible] [illegible]

But, then, that these sort are doubly mistaken, [illegible] [illegible] [illegible] nation, be the easiest way; and such a Throne, [illegible] [illegible] [illegible] [illegible] greater than they felt in that they changed [illegible] return; and then only, when the dread of that [illegible] [illegible] [illegible] [illegible] day at sea; while the king of France's fleets, and privateers grow, and the terror of this spreads; there can be nothing left to give a [illegible] [illegible] [illegible] [illegible] [illegible] a very desperation; which will produce the [illegible] [illegible]

I have given may shew, I think, how much the [illegible] [illegible] their king's particular interest, as for the general interest of their country; and what mighty [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] within that of King William's. Every body knows there are two sorts of men; in each of [illegible] William's Interest, as absolutely and without [illegible] require of them, in any prostitute sense: and [illegible] [illegible] [illegible] Tory. According to the too good success that the courtier has had; we see that, notwith- [illegible] as there are) can make; and notwithstanding [illegible] have incurred, yet there is still this fatality, [illegible] [illegible] [illegible] all that latitude I have said, engaged in the interest of this court: for, whoever calls this court in question; whoever doubts its good [illegible] and government; whoever quotes past Declarations, or instances a present Grievance; nay, or that in discourse is but luke-warm towards the state; a way is found (and it seldom [illegible] herd, suspected by the vulgar of his party, and shunned as a deserter: for with one Party he is insured a Commonwealth's man, and with the other, a plain Jacobite. For what else [illegible] equivocal term of Government, as it is put there, the courtier does his business.—This [illegible] both those Parties. And as thus, let us con[illegible] tain their common end in the support of this [illegible] carried on by them; or whether, when that is done, as likely to obtain either of them their [illegible] end to see the Church established in as high power as ever; to see it freed from the eye-[illegible] ill precedent of Scotland; to set up Episcopacy in such strength as is required by the clergy-[illegible] every thing; and to have a king governing with as large a prerogative as may be; but still [illegible] Church. The Whigs dread such a power in the Church, and are so dissatisfied with what it has of that king already, fearing what may come, that they expect a greater security than is given them at present, that those who are Dissenters from, or under the mark of the [illegible] see it in a condition to take its revenge, or give [illegible] ing of any new laws, or attempt any alteration in the present Settlement: but their labour is, [illegible] their stamp. Now, though all this while, ac-[illegible] yet it is ridiculous and foolish what either of these men expect.—We may, I think, be satis-[illegible] other) this Court is not likely to be at a stand, as [illegible] and Prerogative; much less to agree to a diminution of either: though there be a consi-[illegible] position) that the Prerogative is at a height in [illegible] from what it [illegible] be now is, under the restraint of laws, and [illegible] first; What is it that will move his fancy to-[illegible] body as the Dissenters and Whigs here? The [illegible] and have a strange good opinion of themselves, or a very wrong one of the king's principle [illegible] the other side; if the Court be not (by being fully absolute) freed from these restraints, but [illegible] rogative be in a craving state, and wants to gain upon the people, What can more satisfy [illegible] Tory in parliament? Is there any thing that the court cannot carry? Whereas, if one party were declared for, it would not be so. As to [illegible] shall never be departed from (so as that the [illegible] court must use a parliament: and if that time once come to be over, though it is not to be thought that the court will ever act for the [illegible] tations, as above mentioned; yet on the other [illegible] is what the least of all can be imagined, and is [illegible] either of them are likely to obtain their ends: but their contention to be still improved [illegible] in their own private loss; as subject to all the inconveniencies of such a constant feud, without prevailing any thing by it: and, as Eng-[illegible] as a free people, by losing all our privileges; and as a people, by falling at length under foreign subjection, [illegible] countries.—But to know this last; Why this [illegible] port us by this court against our enemies; why [illegible] we must consider what it is that the court [illegible] the other States [illegible] tions on which it rose, and the ends for which it was erected, are known to be; for the rescuing us from a Power in the Crown, advanced [illegible] superior to all our Laws; to secure us from [illegible] the Privileges of the Subject; to free us even from such a disposition of a court as could not but tend to this effect, and from such a mi- [illegible] at any time: and lastly, to remove that under [illegible] a ridiculous safety for us; to remove, I say, a Standing Army. This being so; it is impos- [illegible] if these ends are not answered; except it fix itself here by absolute Conquest; which cannot be but with a foreign help: and that reduces the thing to this; That we must be a province to that prince or state that is in the greatest power abroad; however we may please our- [illegible] or our king that then shall govern us.—I say, [illegible] the enemy it is now engaged with; yet, not answering its ends, as above-mentioned; but directly on the contrary, pursuing those others [illegible] may call it) subverting its own foundation, it cannot stand: for, if the foreign force and power of a dreaded neighbour be no longer on [illegible] prospect; nor that a foreign force, in the [illegible] quer us; it is not to be thought, that the spirit and principle that brought in this government, through all the impediments of a then [illegible] since that time; It is scarce to be imagined, I say, that the spirit of impatience against a government, setting up the enslaving attempts and ministers, should be so sunk, against that [illegible] its way towards a new change, and act another Revolution; when the same need, with an ad- [illegible] been abused, together with a readier means, [illegible] going precedent, invites them to it. Or, if by [illegible] contented would not be able; yet whilst there [illegible] prove, how that but to get through their pre- [illegible] is a work but vainly expected from this government in the posture that affairs are in; let us consider how this War is managed; how our [illegible] drawn out from thence, for the use of foreign [illegible] countries: and at the same time that our sustenance goes out, it is hindered from coming in to us; we losing every day in Trade, the profit of that still cut from us, and that of it which remains amongst us, turning in a manner against us; it being the Importation of [illegible] reigners: by which means, we abandon to [illegible] vigating practice, and the breed of sailors and [illegible] Providence than that of men, gave us over them: a Providence which turned that into a [illegible] whole disposition of matters, and the grounds, and form of that enterprize on foot) should [illegible] itself been felt. Now, if with such an assistance of Fortune, so far from being ever to be [illegible] taken; that French squadrons still, M. Du [illegible] in our Channel, from off Ireland, and round [illegible] fleets of merchantmen together, supply their [illegible] fortunes for themselves considerable, and en- [illegible] spoils: if this, by our management, be now so, and not prevented; if it be thus now, this very [illegible] will it be henceforward? How are we like to put a stop to this? And if we do not put a [illegible] be within a little time?—Here then we see our [illegible] should make ourselves; we are so far from [illegible] as in any prospect of being in a condition of [illegible] chief and only ruin that comes thus.—If this way, then, we do no good; how, in what manner is it, that, in bearing all this, and by what we pay [illegible], we [illegible] even with our enemy, and more than so? How is he to [illegible] the greatest sufferer, in order to oblige him to yield? Where, if not here, are we to make the impression [illegible] in the war?—There are none except those who dream of a Descent (which though but for the same reasons that made it last year unsuccessful, cannot be expected but to prove so this next, and is likely to prove more fatal to us, if so) there are none, I say, except those that under such councils, such ministers intrusted, [illegible] flatter themselves that a descent shall be able to be made and be supported, so as to turn to the enemy's ruin and not our own; there are none besides this sort of men, that go about [illegible] to be done by making an impression any where on France with our land armies. Which notwithstanding, let us examine, since it is what we rely on. For being not in a way so much as to preserve ourselves at sea; much less are we in the design of ruining our enemy that way, destroying his trade, and cutting off his supply of riches by which he bears up in the war: although, indeed, those very riches come only into him by his Shipping, and the Exportations that way of his country's products; the Money that he gets for them in a land trade, with any country joining to him, being in com[illegible] balanced by the Charge he is at, in those coun[illegible] (especially in war) and by the vast sums of money continually distributed there in Pensions; as by considering only Switzerland, will plainly appear. But we, I say, do not apply ourselves this way towards the reduction of France. 'To ruin him in his West-India trade, and cut him off his seamen; to shut up his commerce northwards, through our own seas; to spoil him (as might be) some of his chief harbours and sea-port towns; destroy the rest of his ships of force, and ruin his trading even in the Mediterranean:' this is what we either think not of at all, or think is insignificant, or not so noble (nor so saving, or of dispatch, it may be) as the campaigning method at land; or as being less suitable to the genius of our Prince, so also less suitable to that of our nation: which, besides, will be raised to high esteem and power, and have its Liberties best guarded by the establishment of a noble Army of its own, thus trained up; by that time they, joined with the foreigners dependents on our king, have made [illegible] brought on for us our so wished-for peace, which then their interest will endure.—The Sea therefore we leave as it is; and our work being not to be done, or not convenient to our present court it should be done that way, our dependence is upon another. Now, to [illegible] [illegible] like to succeed [illegible] we may expect to [illegible] —The [illegible] success which that attempt had at a time so advantageous, leaves, indeed, little to hope for [illegible] the French so great security, cut off our expectation from an assistance of Protestants there, and given the occasion to the French to [illegible], strengthen their frontier, and secure those passages; and to do at least so much for themselves there; although it were not likely that they should be found to carry in a war this summer into Piedmont, that shall oblige that prince to make his terms.—It is not on the Rhine surely, that we expect our enemy should be sufferer; when instead of being put to use the strength he has provided for his defence there, he can every year raise contributions on [illegible] employs there; and take, with countries, whole regiments at a time, so as the duke of Wirtemberg and his troops were taken lately, with [illegible] fighting, and at [illegible] German [illegible] taken.—We [illegible] expect, I suppose, that an army from Spain will enter France, or that that nation is in a [illegible] France. So that the stress of all lies now in Flanders. And do we expect to see ever any better armies there, more numerous, more united, or more animated than they have been these last campaigns? The [illegible] soon be lesser; but what can make it greater?—Are we to find any other generals of that Confederacy than what we have? Or will these [illegible] ones at length by experience? If it be an absurdity to think thus; is it not a great one to think we shall have other success than what we have had? [illegible] At Flerus we receive a rout, where we lose a good part [illegible] Mons is taken one year, and Namur the next; [illegible] if our strongest towns, we see, go off before our strongest armies, what are we to expect will be the fate of the other towns that are as yet remaining with us, and are the last that keep the barrier? They too, if not immediately, must in a campaign or two more, go the same way of course: though at the closing of our [illegible] defensive war) we endeavour to take a kind of revenge, by attacking the French with as much [illegible] this, that by recruiting our wasted troops, and by raising other new ones, proportionable to [illegible] be able to pierce into France through treble [illegible] marching through them ? Surely men of thought [illegible] the government this ineffectual assistance, and are drawing from us vast sums to supply Con- [illegible] abroad : as if this were really to do us good, [illegible] method of securing ourselves ; whilst our sea- [illegible] ruin, but whence our own is now) lies in the [illegible] signifies it, that we have a number of huge ships to sail about together a month or two in the Summer ; if still the French keep all they [illegible] they have there (if not taken from them) of [illegible] if here, in our seas, they breed vast numbers, [illegible] the spoil of us and our ships ; if trading be not safe for us ; our seas being to us shut up, and [illegible] and carrying all Supplies (which thus we cannot [illegible] cannot alter this, we certainly must sink. It is against this, that we should turn all our power, [illegible] in being given amongst foreigners, from England, never to return thither ; and being given besides, in vain. It is towards this we should turn all our care and counsels ; and therefore, [illegible] part aimed at or intended, of what might far- [illegible] the present management ; there is indeed no wonder. When of all parts of our government, there is not any more loose, more inconsistent, more corrupt, than that part which regards our Sea-Affair. We have no Council, no Committee for Trade established, nothing of any office instituted, or officers properly qualified [illegible] necessary, to our parliament ; insomuch, that [illegible] be instructed, and are often at a loss, and (as [illegible] Admiralty and the like, are disposed of in gifts to men of intrigue : and (as the world has [illegible] can work a Party, delay or bring on a business [illegible] piece ; and throughout all the Places, any way [illegible] Cabal does every thing.—If this go on, as has been shewn, England sinks, whoever rises : we are exposed to the last misery, and a foundation at this rate is laying for such a state as was [illegible] they have begun upon the Admiralty, to a real thorough reformation in all those affairs, however the others are suffered to lie ; if our force [illegible] their ordering otherwise exerted ; other guess encouragements set up for sea-men ; the sea-soldiering, the very vocation itself, by a better [illegible] abandoned by those that are already in ; if there [illegible] serve well ; the proper methods set up to clear [illegible] expose themselves : in short, whatever all per- [illegible] however the Chancery be filled, or any offices in the nation that are to do right amongst particulars of that body ; however any other part [illegible] Party : if our parliament do not now right our country in this concern ; do not redress and [illegible] make faithful ; and by their own management [illegible] not thus much, and suddenly set us in another course to regain what is past, and do our utmost here ; however great these Armies and [illegible] any insecurity in it ; I fear they will not long [illegible] giving Millions so liberally, will but hasten the business : though many give their concurrence [illegible] thus given ; not as unsensible of mismanage- [illegible]

But it is ordinary to see men in their fears run more directly upon their ruin; when terrified [illegible] [illegible] they fear, why is not the Fleet first secured? Why is not that Money first found out, secured on the best Funds, and well appropriated, that the money really given to that may not least serve that purpose; that it may not run a [illegible] expected to be raised; nor the necessary Charge of our [illegible] [illegible] Charges we are to be at besides? What if there be found stops and difficulties; if the money fails for these latter expences, must it [illegible] sary expence, that of our ships and seamen?— [illegible] (to join all to what I have shown before) he that is an Englishman in any party, and forgets [illegible] [illegible] [illegible] [illegible] follows. for though a peace should be concluded at last, according to the scope of king [illegible] made to be acknowledged; or though the adherents to king William that are supporting [illegible] his land-forces, and France reduced to such a [illegible] king William here; yet at the end of all this, if by that time the work that is now doing [illegible] [illegible] Trade, and perished in our Naval Power, with nothing but a power at land to defend us: all [illegible] then prevailing will obtain, besides their triumph, or their revenge over their adversaries, will be to hold a government under the force of a foreigner, and which can be held no otherwise; and to give us ever after for a government, that which shall be enforced by the nation or prince left with the strongest [illegible] ing thenceforward constantly the test of power [illegible] [illegible] [illegible] [illegible] ties that will thoroughly think, I appeal to him, [illegible] what each party drives at singly, is like to [illegible] England. If the removing one ministry for another; the getting men, or keeping men in place for only party-merits; the driving in the [illegible] for the interest [illegible] court or that, for the court [illegible] [illegible] [illegible] [illegible] be induced to abandon this government: and [illegible] plying with any sort of methods it takes, however censured at other times; by advancing prerogative at a time which is the only ever to be hoped for to bring it down from its en- [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] a vexatious end and no other) needless severe [illegible] [illegible] sciences, or the taking away of all conscience [illegible] case; a thing so destructive to all government, [illegible] [illegible] [illegible] [illegible] wealth to the managers of the court in prodigious sums; such as, if possible, would suffice their [illegible] whilst still the matters of our Ocean (that [illegible] I appeal, as I have said, to any rational man [illegible] [illegible] [illegible] pected should be said on what now should be done, I leave to inference; for I have said [illegible] [illegible] regard an Englishman can have; what it is [illegible] Party a success of their own, or advantageous to them, their friends or their posterity: and when such a regard as this is in a contrary-wise changed, or but neglected; what sort of service those whose interest is tied to England, [illegible] [illegible] pursuing. And in all this, if I shall not have [illegible] action, or better method of managing that may tend to our recovery; yet, at least, I may have given them so far to think on certain things, [illegible] [illegible] other people) in the service of some interests, [illegible] [illegible]

No VI.

Some CONSIDERATIONS about the most proper Way of RAISING MONEY in the present Conjuncture. Printed about the Year 1692.

Written by JOHN HAMPDEN, Esq *

THERE has happened [illegible] able in this age, nor in which the Providence of God [illegible] these kingdoms. The changes in Naples and Portugal were not more surprizing [illegible] our eyes have seen in our own native country: nor were the oppressions under which we laboured, and the ruin which threatened us, less dreadful than that which caused the revolt of those kingdoms from those who abused the trust of government to tyrannize over them. Our Laws were trampled under foot, and upon the matter abolished, to set up Will and Pleasure in their room, under the cant and pretence of Dispensing Power. Our Constitution was overthrown by the trick of new Charters; and by [illegible] corrupting Members of Parliament, men were required, under pain of the highest displeasure, to consent and concur to the sacrificing their Religion, and the Liberty of their country. The worthiest, honestest and bravest men in England had been barbarously murdered; and to aggravate the [illegible] had been varnished over with a colour of Law, and the formality of Trials, not unlike the case of Naboth and Ahab. Those whom the Law had declared traitors, were, in defiance of the national authority, introduced into our councils, and the conduct of affairs put into their hands.—Our Universities were invaded by open force; those who were in the lawful possession of the government of Colleges turned out, and Papists sent thither in their room; and if that attempt had throughly prospered, the churches [illegible] else it were vain to go about to enumerate particulars. In a word, the nation was undone. All was lost. [illegible] laws; and the bishops were required to publish this new-created prerogative in all the Churches of England, by the mouths of the clergy; which [illegible] modesty, that neither conscience nor justice [illegible] guilty of some great crime. Letters were written and intercepted, by which it appeared [illegible] last. And for the better [illegible] this pious design, our civil and parliamentary right [illegible] concerned for it, being terrified by the great- [illegible] against Papists, and so have set them upon a level with other English subjects, provided the [illegible] vernment secured from falling into the hands [illegible] and rejected with scorn: nor would any thing content the bigotry and arbitrary humour of those who were then in the saddle, less than the total enslaving of the nation, and the re-establishment of that idolatrous Religion, from which our ancestors had freed themselves with so much bravery and generosity, in the beginning of the last century.

This deplorable state of things awakened the minds of those of our gentry and nobility, [illegible] of that English love of liberty and impatience of slavery, [illegible] necessity of self-defence obliged them, and resolved to shake off the yoke they could not bear. And in order to this, many of them (as we all know) applied themselves to the principal members of the States General of the United Provinces, and to the prince of Orange [illegible] which was but one branch of the design driven on by the French king, and his adherents, for en- [illegible] thing. They shewed them, that if they suffered the conspiracy of our common enemies to go on any further, they would infallibly be involved in our ruin, and that very speedily; and must necessarily fall under the French yoke, of which they had felt the weight in the years 1672, and [illegible] testants who had taken refuge in their country. [illegible] neighbours against a power which then carried [illegible]

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* State Tracts, published during the Reign of William III. vol. ii. p. 309.

[illegible] which we have [illegible] [illegible] Our [illegible] Upper [illegible] [illegible] Dutch [illegible] [illegible] every day [illegible]

[illegible] the Dutch [illegible] [illegible] true [illegible] [illegible] extremity [illegible] Conquest over [illegible] more than we [illegible] against the [illegible] over [illegible]

[illegible] for the [illegible] to prevent [illegible] with their arms [illegible] [illegible] preference of [illegible] [illegible] the Dutch [illegible] [illegible] Conquest [illegible] [illegible] Saxon [illegible] [illegible] of kings for the government) [illegible] sonable objection; and at the same time, to [illegible] Scheme of Government, or than a Regency, [illegible] settle us once again upon the foundations of Religion and Liberty, not easily to be shaken.— [illegible] highest interest of the nation does absolutely [illegible] dation in which we were four years ago, when we were bidding adieu to all that was dear to us, our Religion, our Laws, and our [illegible] protestants, contrary to the faith of all pro[illegible] his ancestors, surpassing the barbarity both of [illegible] member the strict union of interest and coun[illegible] exterminating hereticks, and rooting the remainders of Liberty out of the World, insomuch that we see the French king has made king's James's cause his own; and no body [illegible] French king's Lieutenant, to whose ambition and bigotry we must all be sacrificed. I say, let any man who makes it a question, whether [illegible] able to carry on the war, and so we should again be over-run, and reduced under the [illegible] rage and fury they would return upon us, un[illegible] punishing Rebellion; and how little appearance there would be, after this, [illegible] opportunity of Deliverance, or of a possibility [illegible] fessors in England and Holland, which I join [illegible] will be the infallible effect of not supporting this Government and Confederacy) I confess I have no more to say to such a man.

[illegible] Discourse: it is certainly impossible, in the [illegible] other business. Our dear-bought experience [illegible] necessary to maintain those Armies and Fleets [illegible] too dear. In this case we may well say, *dimidium plus toto.* A wise and a good man will ra[illegible] than to possess a double or treble proportion of riches, whilst his mind must be enslaved to [illegible] and more than all, for carrying on of the war. [illegible] then done: provided that warlike nation always prefer the love of liberty derived to [illegible] to corrupt them) they have nothing to fear. [illegible] tyranny, and where even men's minds are en[illegible]

[illegible] there are yet so many persons, as we see by several writings, who aspire after a Deliverance, and would [illegible] their [illegible], and part with what they have most precious, to vindicate their country from the barbarous and [illegible] under which it groans, and [illegible] would think no charge nor no expence too great to maintain those Rights and Privileges which [illegible] enjoyed by their ancestors, and of which they have been so unjustly robbed, without any prospect of redress, [illegible] to govern them without assembling the States of the country. [illegible] they have made a shift, by the assistance of priests and mercenary [illegible], raised by themselves to favour their arbitrary purposes, to bring that nation to a pass, which has given occasion to some, [illegible] the eastern parts of the world, to affirm, that there is more tyranny effectually practised in France in one year, than in all those parts in twenty; the princes of those countries not having learned to refine in those diabolical politics to that degree, which the French have arrived at.—To this purpose I cannot but mention what was said to me at Paris ten years ago, by the great historian M. de Mezeray, whom I knew very particularly, and who was a man of great [illegible] and therefore [illegible] by the [illegible]. Discoursing with him about the difference of the government in France and England, he broke out into this expression; 'O fortunatos nimium, bona si sua norint, Angligenas! We had once,' said he, 'in France the same happiness, and the same privileges which you have. Our laws were made by representatives of our own chusing; our Money was not taken from us, but by our own consent; our Kings were subject to the rules of law and reason; [illegible] that kind, which he added, 'but now alas! we are miserable, and all is lost. Think nothing, sir, too dear to maintain these precious advantages: and if ever there be occasion, venture your life, your estate, and all you have, rather than submit [illegible] condition [illegible] which you see us reduced.' These words, with what I actually saw of the misery of that country, made an impression in me which nothing can efface.

The question therefore with all sober men and sincere Protestants, will not be, Whether we shall maintain our Liberty, by supporting this Government, and enabling it to carry on the war? nor consequently, Whether we shall raise Sums of Money proportionable to that end? but only what will be the best manner and method of raising Money, so as may be most for the ease of the subject, and above all, for the upholding our constitution, and securing those ends for which we took up arms? And that was not any personal regard whatsoever, but the recovery and security of our Rights and Liberties, which had been so unjustly invaded. This is the thing we must always keep in our eye, and steer our whole course by this pole-star; otherwise the hazards we have [illegible] exposed ourselves to, and the success with which God has blessed us, will [illegible] avail us, whilst by avoiding one extreme we run into another; or, to use the old proverb, 'by avoiding Scylla fall into Charybdis.'—The way which has been most [illegible] of by some who pretend a great zeal for the present government, and which seems to be most agreeable to some people, is to lay a Home-Excise upon [illegible] and several other merchandizes which are sold in the market: this is the way used in Holland, and the like was practised in England in the time of our Civil Wars. But because I cannot approve this manner of Taxing at this time in this kingdom, as being [illegible] hazard in this beginning of our Settlement, and apparently destructive to the ends of it, I shall set down my Reasons, with as [illegible] as I can, together with some that were mentioned the last session of parliament by some worthy members of the house of commons, that so if other men be convinced by them, I may have the satisfaction of reflecting, that I have been useful in some degree [illegible] these things, [illegible] my country; which as it is dear to me above all things in the world, so in my humble opinion, it is very much concerned in this point.

My first two considerations in reference to such an Excise, are, That if the parliament should grant it, they neither know what they grant, nor can ever hope to see an end of such a Grant as that is. To make this out, I shall give a short Historical Account of the Excise now in being, that so we may judge of Hercules by his foot; which, I think, will afford us such measures as cannot easily deceive us.—Our ancestors, whose chief care it was to maintain those Rights and Privileges which [illegible] them so advantageously from all the other people of these western parts of Europe, and who delivered those Privileges to us as our best inheritance, did constantly avoid this sort of Tax, knowing its danger, and abhorring the servile look of Bureaux in their market-places, and miserable fellows to come into their houses like searchers, as if they had hid some criminal, or concealed some arms or papers to the prejudice of the government. It could not enter into their heads that a leg of mutton ought to suspected for treason, or a loin of beef, which was thought worthy to be knighted by one of our kings, should be accused of conspiring against the state.—This example of our ancestors, with the good success it has had, I should think, ought to weigh a great deal with us in a matter of this importance; to which if we add the condition of the French, and others of our neighbours, who are loaded with an infinite number of Entries, Imposts, in a word, Excises of all sorts (which at first were con-

[illegible] imposed upon specious pretences [illegible] But we have now come to the [illegible] Excises [illegible] which [illegible] have been practised [illegible]

The first Excise [illegible] in England, was [illegible] and thereby [illegible] themselves. [illegible] are exposed [illegible] and [illegible] sequestered [illegible] [illegible]

have procured [illegible] [illegible]

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* See Vol. [illegible] p. 114.

vern by Arbitrary Power, and abolish Parliaments. [illegible] necessity (as some [illegible] about the town) for what they demanded; but there was no [illegible] necessity, [illegible] returned, to give him the Excise. It is true, he had great occasions, on his return, for Money; but the parliament, after the Excise given, found out other ways, both by land and otherwise, to give great sums, and by such ways they might have supplied him then without the Excise. It is allowed, his Revenue was fit to be enlarged beyond that of his ancestors, because the constant charge of the government was greater; but this was no reason for an Excise. The putting a bar upon Crown-Grants of the Revenue, and appropriating the forfeited Estates of the Crown, would soon have done more than the Excise was then valued at, one moiety being given for the Wardships, which the court valued but at 100,000*l.* per annum.—If it were fit at that time to raise the yearly Revenue to 1,200,000*l.* per annum (though that was more by 400,000*l.* than the yearly Establishment and Charge of the Crown then, or for many years after, came to) if the Parliament of 1660 could not, at once, bring it to that, they might have gone as far as they could without the Excise, and left it to other parliaments to make it up. They gave the Crown, without counting the Excise, a greater Revenue than ever it had, or than it could pretend to spend in time of peace; and accordingly we see what amazing sums were expended every year, [illegible] was pretended [illegible] the support of the Government, [illegible] be mentioned or remembered, but only in order to prevent the like for the future.

And when this was given, all that parliament got, by their zeal to settle [illegible] per annum, was, That the Court, next parliament, pretended it was not so much as was intended; but the charge got, by [illegible] Committees, such Reports, upon which they obtained 2 or 300,000*l.* more added to the standing Revenue. —Upon the demise of king Charles, what necessity was [illegible] to continue [illegible] Excise to king James, I mean the Moiety then determined? Could any thing under a Popish prince be a greater security to the Protestant Religion [illegible] of the kingdom [illegible] of the Revenue? And was [illegible] the king's [illegible] against passing the Bill of Exclusion? They urged, that though the crown should come to a Popish Successor, he could not be able to force his religion upon the nation, by reason of the falling off of the one half of the Excise at king Charles's death, and thereby the ce[illegible] so great a branch of the Revenue. Which if it had [illegible] for a time, a short time, if the commons could but agree among themselves, they might have stopped all invasion of property, or danger of tyranny.—If ever such a Revenue would have been set [illegible], no doubt it would have been then. But we see, in the instance of king James's parliament, when Excise is once laid, [illegible] is [illegible] to be expected. The [illegible] for his [illegible] was [illegible] not only so, [illegible] W[illegible] [illegible], & [illegible] the [illegible] that king James continued among us, I doubt not, [illegible] new Excise would have [illegible], nor do I doubt, whenever such Grants are made, upon pretence of a present necessity, but there will be [illegible] by those in the ministry, to have them perpetual. When once an Excise is laid, [illegible] must be kept on. It is easy to find a necessity for it; and where that is wanting, yet one parliament must be as kind as another, or else it is want of respect to the present crowned head.

I think there [illegible] that was [illegible] Excise [illegible] the reign of king Charles [illegible] years; and yet even that, though it ceased some time, was again revived by the last parliament, [illegible] The [illegible] pre-sent government, as their predecessors were to others, will carry things at any time against the interest of the kingdom; and therefore Money should not be raised by the commons in that manner, [illegible] which [illegible] have to the [illegible] have wrought on their good natures, beyond the interest of their constituents [illegible].

If it be said, Are not the present [illegible] masters of their own resolutions, and may not they safely trust themselves, since it is in their power to put an end to an Excise whenever they think there is no farther occasion for it? To this I answer, They are not so much masters of their Resolutions as some think; solicitations go a great way, pretences are specious, men are frail, taxes of this kind do not immediately touch the members of parliament themselves, who are landed men, and therefore [illegible] corrected to get [illegible]. To this I add, That our wisest and best policy is to keep a Parliament out of temptation of doing that which may prove the ruin of the nation. Men [illegible] to be [illegible] disaffected to a government, as it is always thrown in their dish, if they offer at diminishing any Revenue that had been [illegible] as forward as other people to gratify the crown and the ministers in all their expectations.—There was not long ago an instance of this in parliament: it appeared to the commons, that besides all Grants in [illegible] king Charles and king James, there was above 200,000*l.* per annum [illegible] there-fore to prevent the [illegible] that the court might not, when they pleased, without parliament, tax us by their patents, which our estates [illegible], there was a Proviso added to the Bill for settling the hereditary Revenue, to make all Grants void against a successor. And though, besides the reasons above-mentioned, the state of affairs, and the charge of [illegible] war, now so much [illegible] prejudice to king William? So that though the [illegible]

I insist the more upon this observation, That Excise raised once (though on pretence of the [illegible] temporary, and but for a short time) never fails [illegible] I desire the importance of the thing may be considered; and in case it should so fall out in the Excise, which now some seem to desire, it ought sure, at least, seriously to be considered, what our case will be thereupon.—We know [illegible] the Expences of the Government in time of peace; therefore in 1660, when the court had [illegible] was not on pretence that more was necessary, but that they had not so much.—That very standing Revenue which was settled in king Charles's time was so great, that every body remembers, when a great Army was raised, the house of commons was tried to give but one 300,000*l.* per ann. more, which if they could [illegible] there should have been an end of Parliaments. [illegible] and so much to the purpose by some, who were then members of the house of commons, that [illegible] The Revenue now in time of peace will yield, above all Charges, 1,500,000*l.* per ann.; if [illegible] should be continued, it is the giving up the [illegible]

There are still many other Reasons against this way of taxing by an Excise.—I have shewed already, that this is a giving men know not what: that Moiety of the Excise given in 1660 for 100,000*l.* per ann. hath since proved worth three and a half: that which king Charles desired as 300,000*l.* when it was got by king James, proved to be worth more than double [illegible] more such Revenues prove, if they should be [illegible] —This is a troublesome and a slavish sort of tax. The present government came in upon a foot of Liberty: what was the reason that [illegible] this, That every man might have his house free? Shall the nation be mocked by taking off a feather, and in the room of it laying on a millstone? This is a way to bring a lord-Dane [illegible] heard some of the wisest and honestest mem- [illegible] bers of the house of commons say, They would [illegible] they would consent to it. All that lived in the [illegible] the government; and it is certain they could [illegible] were, to keep up a Standing Army to gather it, we shall be at a fine pass. The Money must [illegible] mies; but instead of any such service from [illegible] that it will spare our lands, is grounded upon a false supposition: this is not a sparing our lands, but a charging them for ever with double what is needful. The dearer the farmer pays for his commodities, the less rent he will pay; and the less his product yields him clear, accordingly he must value his farm. The more (for example) is laid on lead, the less will wood and oar yield; and so of other com- [illegible] in Holland, are upon commodities which are not of the growth of the country: their corn comes from Dantzick, their flesh from Den- [illegible] Whereas if an Excise be laid here, it must be [illegible] such things; for the dearer they are, the less [illegible] cheap.—The policy of our ancestors tended to [illegible] modities, which is certainly the true interest of the nation. Such a tax would go directly [illegible] duct of the land; now they all flock to London, [illegible] in proportion the third part of things of our [illegible] gentlemen of smaller estates are now, gene- [illegible] raise the price of all things, how shall these men maintain their families? And if they put [illegible] farmers; and those who are best able to pay it, will be most spared. For example; if an Excise should be laid upon Malt, where will the burden lie? The price of it will certainly sink in the country, for want of consumption, [illegible] in great cities and towns, such as London, Bristol, Exeter, Norwich, &c. will be the only gainers; for the victuallers will keep their market up, and sell their drink as dear or dearer than before; and the poor farmer must bear the loss, which will quickly be the cause of throwing up the lands he rents of his landlord.

But another thing which, I confess, with me is of the highest weight, is this: We know the great influence it would have upon the Liberty of Elections of members to parliament. The Excisemen go already a great way in many corporations, by their interest in inns and alehouses, in influencing the elections to parliament. What then do we think they will do when they have an interest in every private house? If there were no other objection against taxing by an Excise, I should think this one abundantly sufficient, with any man that knows how much the being and well-being of the nation depends upon Free Parliaments, and consequently upon the intire liberty of those who are electors, in giving their votes.—If such an Excise should not be general at first, yet when once that way of taxing is brought in, it will quickly grow general: if it be laid one time upon some commodities, it will next time be laid on others. All we have, will come to be exciseable; and it will be with us at length, as it is at Amsterdam, where (to use the words of one who has lately written in that country) 'a dish of Fish with its sauce, before it be served up to the table, pays Excise thirty several times.' And this indeed ought to be considered the more, because of those in our court and councils, who have been bred up in Holland, where every thing is taxed.—One thing more I must add, which is, That no tax whatever is so chargeable in the gathering, as an Excise: that which is laid already upon Beer and Ale, costs above 80,000*l.* per ann. in collecting; and if there should be a general Excise raised, it would come to near three times that sum.

My chief design in writing this Paper, was to shew the Danger of granting an Excise by act of parliament, which I hear discoursed of in several parts of the kingdom, as a way which will be offered by some to support this war, though it was debated and rejected the last session of parliament. Perhaps there may be some who do not sufficiently apprehend the dangerous consequence of this manner of taxing; and for their service it is, that I set down my thoughts upon this matter. No man in England is more thoroughly sensible than I am, of the necessity of carrying on this war. I am of opinion, that the Liberty of this nation, the preservation of this Government, and the security of the Protestant interest throughout Europe, do entirely depend upon the success of it. I have shewed, that it is impossible to go on with it, without giving great sums of money; and I am heartily for giving those sums, when our representatives shall know what they are, by having an exact state of the war for the next year laid before them, which I presume will be their first care. This is reasonable and necessary, and more than this cannot be desired: only we would have the Taxes so laid, as when the necessity of taxing ceases, the taxes may cease with that necessity.

There are other ways of raising Money besides a General Excise. The English nation has now, at the expence of its own money and blood, reduced Ireland; must none of the Lands of those rebels, after all, be applied to the charge of this War? Is all that has been said and declared in parliament, upon that head, to no purpose? Must the Irish Papists be again restored to the possession of their estates, and so this kingdom not only brought under the necessity of maintaining a great Standing Army, to keep them from rising and cutting the Protestants throats; but likewise be defeated of the lands, which they were made believe should serve in a great measure, to reimburse them for the prodigious sums that have been advanced for the reducing of that country? I hope the wisdom of the parliament will take that matter into consideration, and not suffer themselves to be frustrated of so great a sum of money, as those Irish Lands will yield; which, if they were exposed to sale, would find purchasers enough, at such kind of rates as they were formerly sold for upon the like occasion; and the Money which should arise from them, would serve for a Fund to defray a great part of the next year's expence of the war.

It were better to return to the Chimney-money, than to load the nation with this new Excise. I do not say that ought to be done, for I think it absurd and dishonourable, after having taken off that burden so lately, with so much pompous ostentation, and expressions of desire to gratify the people, to lay it on again; that would have a very ill look. But yet, I think, supposing such a necessity, it were wisdom, of two evils to take the least; and rather return under the pressure of an old burden, than submit to a greater, and run so great an hazard as that of settling a Revenue; which if continued, might give opportunity and encouragement to ill ministers of state to attempt, and perhaps achieve designs like those, which we tell the world were the cause of our joining in the late Revolution.—There are Commissioners of Public Accounts, sitting by authority of parliament, to examine how the treasure of the nation has been laid out for these last three years. It will be seen in this Report, what immoderate Pensions have been granted, and to what kind of men; and what incredible sums of money the nation has been cheated of, by those employed in civil and military trusts. I do not know why such people should not be obliged to refund; and if there be care taken for the future to prevent such abuses, the sums of money which must be raised for the defence of the nation, and the support of the government, will be very much lessened.

There will doubtless be many Proposals

[illegible] ever there is occasion for a Tax, there is al- [illegible] But when all is done, I humbly conceive, there [illegible] so safe, and so much for the good of the nation, as a Land-Tax. Other things may help, [illegible] this will smart while it lasts, but we are sure to have an end of it. The members of parlia- [illegible] take it off, when the occasion ceases; and be- [illegible] endure the continuance of a Land-Tax, longer [illegible] these occasions, and this is the safe and sure [illegible] a good rule, to support the Government in time [illegible] of war, to have recourse to the Land, because that tax will not be in danger of being continued when the war is over.—I do not decide [illegible] former. Such a question is too nice to be handled by a man without doors: the choice [illegible] think, all are for, the preserving of the Consti- [illegible] raised; and that is all which I am pleading for. Let no man be missed, by a pretence of [illegible] way of taxing, all those are mistaken argu- [illegible] be found in this new method, though there [illegible] tion hazards in giving a Revenue, that pro- [illegible] present ease, or private interest. The Constitution, the Constitution is our happiness. Let any inconveniences be submitted to, ra- [illegible] upon a needless point, the Revenue of the [illegible] enjoy; the greatest of which, is being governed [illegible] Parliaments, and making their frequent meet- [illegible] they may cease with their cause, and so Par- [illegible] Land-Tax, because this Paper is too long al- [illegible] it, as I said before, was not so much to urge arguments for a Land-Tax, as to offer some [illegible] of a General Excise.

N° VII.

Some short Considerations concerning the State of the Nation.

Printed about November, [illegible]

[illegible] Esq.

A DAY being appointed by the house of [illegible] with great deliberation and caution in their [illegible] lay, nor can be before any parliament; and such, as that the measures taken upon them [illegible] berty and Country, or the ruin of all.—Perhaps [illegible] necessary to join heads and hearts for the service of our native country, that so a safe and [illegible] ties it labours under, to attain the end which [illegible] great State-Physician, and, under God, the [illegible]

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* State Tracts, published during the Reign [illegible]

Remedy of all our ills) has already given a sin-[illegible] impossible to cure a distemper till the state of [illegible] always go first: it is in vain to imagine or propose expedients for our Relief, till we are fully informed and agreed what our case is; and [illegible] ing has always been practised in our parlia-[illegible] termination. Precipitate counsels have often done us great mischief; but when matters of [illegible] happy.—There is not a body of men in the world, who have so noble a trust reposed in them, as that which is in the House of Commons from the people of England. Our neigh-[illegible] their States to manage their public affairs, yet [illegible] States, the deputies can do nothing till first they go or send to their Towns for new instructions. And the same I might say of limitation of trusts and powers in other govern-[illegible] But in England the case is quite otherwise; [illegible] hands of their Representatives in parliament. [illegible] put no manner of shackles upon them; but taking it for granted they will employ their [illegible] frankly entrust them with their power, purses, [illegible] the nation consists; that being clothed with [illegible] of the nation, to the defence, safety and preservation of the whole, the care of which is [illegible] they are thus entrusted. And this obligation is at this time greater than usual, since his ma-[illegible] speech, at the opening of this session of parlia-[illegible] and should [illegible] advice, [illegible] in this exigency of affairs, it were an injury to [illegible] he will follow it when it is given; and the [illegible] and debated in the beginning of this session, the more reason he will have to follow advices grounded upon such deliberations. The thought [illegible] which is the thing now in question, and must [illegible] to a right understanding whereabouts we are, and what our condition is, it will not then be difficult for us to know what we have to do: but if through want of consideration, or through misinformation, or for any other reason whatever [illegible] gers and difficulties; or if we palliate or cover those wounds which can never be cured unless [illegible] most killing thought of all) we must acknow-[illegible] ruin.—The first thing which occurs to me, when I consider the State of this nation, is, that we are in a state of war; and here I propose to [illegible] who is not only our enemy, but, in some sort, [illegible] there be any thing dear and valuable to man-[illegible] ravishing it from them, without the least pretence or colour of justice; if there be any [illegible] gagements have any force or obliging virtue, [illegible] upon infringing and trampling upon those [illegible] Universal Monarchy; which may more pro-[illegible] We know and can prove the particulars of his [illegible] the extirpating the remainders of liberty out of [illegible] pretending to rights and privileges, and putting [illegible] cruelty we have seen him exercise upon his own [illegible] tants, is inveterate and invincible. It is he [illegible] abdicated, [illegible] tive king against us; and who, by restoring [illegible]

most great and numerous that at any time were [illegible]

and our neighbour states and princes, put a [illegible]

the war: for if we should rely on the faith of [illegible]

ceive and lull us asleep, we should then indeed [illegible]

thus false is he with whom we have our present [illegible]

both just and necessary in the highest degree: self-defence, the maintenance of our antient [illegible]

liberties; and above all, the preservation of [illegible]

cuting this war. In a word, our business is to [illegible]

passed, and that for no other end but to main- [illegible]

unjustly invaded in the last reigns, and for the [illegible]

dertaken the war with France, and made the [illegible]

are engaged in a necessary war with an enemy, [illegible]

to manage the war against him with hopes of success. This, in short, is our case in refer- [illegible]

considered, in what state and condition we are [illegible]

still to last much longer, and at length to end [illegible]

by the parliament to manage it in such a way, [illegible]

must here make a melancholy picture, which cannot but be very disagreeable to all good English-men; but it is necessary the truth should be known, and our condition truly un- [illegible]

must certainly prove fatal to us in this great juncture. And therefore I shall mention some [illegible]

ing, and that in many respects.

[illegible]

the State of the Nation at this time, or pre- [illegible]

rightly informed of this particular? It is a very [illegible]

they please: for the merchant-ships (of which [illegible]

have been lost from each of them; and a true account of this may easily be had in a very [illegible]

ralty without difficulty. And this certainly is [illegible]

2. Another complaint of decay at this time, I doubt, may too justly be made in reference to our seamen: the occasion of this decay is [illegible]

and the breeding of seamen being interrupted [illegible]

up the Bank-fishing, and Newfoundland-fishing, in a manner intirely to the French; that our trade insensibly slips from us, our merchants are disappointed and undone, and our [illegible]

quired into, and the fault charged by the par- [illegible]

they have a right understanding of the State of [illegible]

3. A third instance of our decaying condition is in our trade. Not to mention again [illegible]

by our enemies, and the discouragement of our seamen by employing foreigners, it is well [illegible]

trade with France, and we alone are excepted from that benefit; while on the other hand we [illegible]

war. The Swedes, Danes, Portuguese, Venetians, and others, take [illegible] French [illegible] as openly as ever; and the two former supply them with ships and naval stores. The Spaniards in the Ne[illegible] [illegible] lar [illegible] without so much as a disguise, or the least pretence of a disguise, though we know they can[illegible] fore we may put a stop to such abuses and destructive [illegible] know likewise that we [illegible] to France; but though that were often advised and pressed, [illegible] cured [illegible] done. The Dutch, who pretend to be so closely united with us in interest at this time, have private factors every where carrying on a trade with France, in the name of other nations, while we [illegible] of that trade, [illegible] among them. This must be considered and examined [illegible] the present unhappy state of the nation.

4. Another proof of the decay we are under, is the loss and diminution of our Treasure, of which the king [illegible] this proceeds not only from hiring foreigners for convoys, and foreign importers, who carry away the money that should be divided among our English [illegible] before, but principally from those vast sums which are sent in specie to pay our land army, little of which ever returns into England again; and that which does is so clipped and lessened that it will not pass; and from some of it I have heard it confidently affirmed, there is no less taken than four or five shillings in the pound. It is certain that every [illegible] such a certain quantity of bullion, some more, some less, actually [illegible] time within the country: if that circulates and goes from hand to hand, whatever losses private men may sustain, the public will never the more be impoverished. If the stock be increased, and the Coin augmented by Trade, the nation in proportion must needs grow richer. But if that stock be every day visibly and considerably [illegible] it, and sending what is so taken to places from whence it shall never return, without any other way to make equal amends for so considerable a diminution of Money and Treasure, it is plain that such a country must fall apace into poverty, [illegible] at its heels; for silver and gold are the nerves of war and all other business. Those who go into the several counties of England, hear the complaints that are made for the want of ready money: and landlords, who have so much difficulty to get rent from their tenants, need no arguments to convince them of the truth of that complaint made by the king in his speech as to this matter. This is another part of our decay to be considered [illegible]

5. Another point of decay which I shall touch, and but just touch (though it be the most important of all) because it is an indivi[illegible] reflect upon these things in our mind, that [illegible] safe and faithful advice to our king, which is [illegible]

[illegible] and sea. If these are in a decaying condition, [illegible] therefore this must be considered under the head of Decay. I shall not say how many lives have been spilt for the reduction of Ire[illegible] at first; nor how many of our bravest men [illegible] have been: but surely these things are fit to be examined by the parliament, when they are sitting upon the State of the Nation.—Now to leave this point of decay, and to name but one more at present, in reference to the State of the Nation, I say we are absolutely in a state of [illegible] very [illegible] when we have [illegible] war upon our hands.

1. We are intirely unsettled as to the government. [illegible] of it, are as publicly disputed, and with us little fear of punishment, as any point of natural [illegible] at Oxford, or any moot case of law by the students in the Tem[illegible] The Jacobites [illegible] that king James has a good title still; and that [illegible] nation [illegible] him, and setting the crown upon k. William's [illegible] itself, and that no subsequent consent or submission of the nation can legitimate an authority set up at first upon so unjust a foundation: and yet we do not see [illegible]. Others who pretend to submit to this government, do yet openly [illegible] the principles and grounds upon which it was set up by the nation. They will suffer no mention to be made of the original contract broken by king James, nor of that new contract made by king William with this nation, in virtue whereof he is this day king of England. But instead of this, they write books and publish them, one while to prove that he is king by conquest, another while to prove that he is king by an immediate Providence of God, and direction from him; both which are equally destructive to the nature of our government, and to all the ends proposed to be compassed in the revolution. And when these books come out, we see

one of them, because [illegible] by one secretary of state, [illegible] which is as much authority as can be given to [illegible] fill the hearts of the people with distrust, fears [illegible] immediate hand have placed the king in the throne, all contracts and stipulations vanish, [illegible] And then what interest can they have to defend it? When men see the marks of public [illegible] they know not what to think, or which way to [illegible] that degree, that they have no more heart nor alacrity to appear and act for the common cause. Sure this is fit for the inspection of parliament, [illegible] the Nation.—There have been bills and decla- [illegible] abjuring king James's authority, and declaring king William and queen Mary lawful and rightful king and queen of this realm; but nothing [illegible] sort of settlement, so long as this remains undone? It has always been the custom, both in England and other countries, when princes, families, and forms of government have been [illegible] made, but only in prospect and futurity, yet [illegible] selves absolved from any obligation of obe- [illegible] When the Tarquins were driven from Rome, [illegible] ment, and setting up a free commonwealth? [illegible] was, in case our abdicated king James should return upon us, and be replaced in his throne by a French army? Are the French more mer- [illegible] or rather would they not act a thousand times [illegible] upon us, than the former did in Holland, having a threefold pretext for their violences [illegible] look upon us as heretics, as rebels, and as a conquered country? Ought we not to use the same [illegible] and interest; which have been practised by [illegible] upon the like occasion? But instead of this, [illegible] the late revolution, to keep all things in [illegible] upon their dexterity, in keeping off a thing [illegible] prevail, where one would least have expected [illegible] sired such an abjuration, and should never [illegible] counter-work it in parliament as much as they could; insomuch that a gentleman of the house [illegible] for the abjuration? answered very ingenuously, [illegible] not obliged to own this a lawful government, as it is declared and asserted to be in the Bill [illegible] other occasions, that their majesties were not, [illegible] submitted to them, and no otherwise; which I believe is the first and only instance that can [illegible] presentatives of a country, that the prince [illegible] title. This is such a sort of unsettledness, as never was any where but in England, nor never [illegible] reference to the ancient government itself, and the time of holding parliaments. The ancient law [illegible] scured by the illegal practices and judgments in the late reigns, that we cannot be thought [illegible] Indeed there is mention in the Bill of Rights of frequent parliaments: but this is so general [illegible] nefit from it. Our government cannot in any [illegible] sitting when called, be fully determined, explained and agree on. Without this we are but *arena sine calce*, our government is but the embryo and rudiments of a government, a government only *in potentia*; and there can be [illegible] thods taken by our late kings to destroy our constitution, and enslave us, either on the one side, by depriving us of parliaments entirely, [illegible] will and pleasure (which was the case in king Charles the First's time) or on the other side [illegible] to corrupt the majority of them by offices, [illegible] used in the time of king Charles 2.) I say, these different methods of our kings to disappoint us of all the good we hoped from parli[illegible] come to a clear settlement in this matter, without which it is a jest to talk of a settlement. [illegible] so frankly the advice of the parliament for [illegible] of the nation; and it is not sufficient to answer, that we have now so good a king, that [illegible] as often, and in such a manner as is most [illegible] kings are mortal, and it is in the reigns of good [illegible] all. And there is no doubt but if the parlia[illegible] reasons that oblige them to desire it, his majesty will be prevailed upon by them to consent to a thing, which is so indispensably ne[illegible] liaments, I cannot but mention the case of [illegible] of the house of commons in the end of king Charles the Second's reign, and had been com[illegible] their trial, where after they had been four or five years without a trial, for want of a par[illegible] try them, they were [illegible] before they durst venture upon it; but at last [illegible] gave was, that it being entirely in the king's power when to call a parliament, which he [illegible] before the king would think fit to call a parli[illegible] power to relieve men in such cases; and ac[illegible] bail, who have ever since continued to be at liberty, both before and since the revolution. [illegible] pleases, is a standing testimony upon record, [illegible] entirely in the king's breast, and that he has the prerogative of governing us without parlia[illegible] precedents uncondemned, it is plain our government is altogether without settlement; and [illegible] for the life, estate or liberty of the English subject.

2. Thus it appears, as one part of the State of the Nation, that we are in a condition of [illegible] but we are farther in a very sad unsettled estate in many other respects. We are un[illegible] of Car. 2. And this is the less excusable, because there was a bill past the house of commons last sessions, to enable them to quarter their soldiers, and to regulate the manner of it: but there were some things in the preamble of that bill which displeased some people; and [illegible] seemed to put too much restraint upon prerogative. [illegible]

[illegible] safety. And the truth is, this cannot be reme- [illegible]

3. The same may be said in reference to our property. We are likewise in a very unsettled condition in that respect. For this, I shall only at present give one instance, which is that [illegible] ships, without settling any fund to pay them, [illegible] pressed and ruined.

4. But further, we are in an unsettled condition as to our very lives. There is no man ignorant of the barbarous proceedings in trials for treason in the late arbitrary reigns. Men were condemned and executed upon the evidence of single witnesses, upon papers not [illegible] do's and far-fetched constructions; all the benefit allowed them by the laws was denied them, illegal juries packed upon them; and [illegible] dom of our ancestors for the defence and secu- [illegible] condition, in that respect, as they were before the king came into England. The lives of the subjects are in as much danger as ever, since [illegible] For it is but few days ago that some of the [illegible] witness to a principal treason, and another to a circumstance, was sufficient to convict a man that is indicted for treason; which was the worst of all the opinions delivered upon the [illegible] these doctrines are suffered to pass for law [illegible] purpose; and yet there is not hitherto any [illegible] tion, suffer us to continue unsettled in such [illegible]

5. Another particular in which we are at [illegible] rest, is, the way and manner of defending the [illegible] are frighted with the noise of a French descent, [illegible] burden of the kingdom; but it is so unexpe- [illegible]

[illegible] to the kingdom, but they never came to any [illegible] ancestors were a warlike people, and it was the [illegible] their arms; and for this purpose there were [illegible] sons, which is the only true defence of a free [illegible] quered France several times over: and with [illegible] ing to invade, or attack a free nation armed [illegible] English subject has a right of keeping arms for [illegible] at present but a burden and grievance to us, must be put into a real condition of being useful, and a true defence to the nation. This is another point in which, I say, we are wholly [illegible] defence of the kingdom; and this is another part of the present dangerous and unsettled [illegible]

6. Another thing in which we are in a lamentable unsettled condition, is, the course of [illegible] the loss of their ships and goods, and their best opportunities of trade are lost for want of [illegible] and kept in England by our English seamen. All nations are permitted to trade with France, [illegible] lose the benefit of such a trade; so that in [illegible] all the world makes war against us. And certain it is, that while the fountain is so plenti- [illegible]

which is all one, while the fire is so constantly fed with fuel from all hands, we shall never be able to put it out. The greatest and most certain of all our maxims, at this time, is this, that unless we can put a stop to the commerce of France with our neighbours, and to the supply [illegible] stores, and other things which they receive from them, we can never hope to bring this war to a happy end. The price of corn is extremely dear at present in France, which causes a sort of famine in many provinces in that kingdom: this is a great advantage to us; but [illegible] the Danes, Swedes or Hamburghers [illegible] them with as much corn as they want, what benefit can we have from this advantage? The Dutch and Spanish bills of exchange do now run through France, which, besides the profit the French have by it, is a certain way of revealing to them the secrets of all the correspondency, since [illegible] letters [illegible] the passage. [illegible] re-[illegible] the con-veyance of letters and bills of exchange; but [illegible] way of sending letters through France, suffered to continue. And since I have mentioned this, I must also take notice of the trade driven with France by the Jews in Germany, who send every year ten or twelve thousand horses to supply their army; and the princes who are our allies, connive at this trade for the sake of a little profit: and then when we go into the field against the French in Flanders in the summer-time, these very horses are employed against us. Thus we suffer our allies, and all the world, to carry on a lucrative trade with France, while we ourselves are forced to bear almost the whole burden of the war, and are thus shamefully made the cullies of the confederacy.

The truth of it is, our present condition is very miserable and dreadful. If we look upon the war, and the management of affairs at home in reference to it, we cannot but see that there is a vein of treachery runs through it, from one end to the other: how else is it possible every thing should misgive and miscarry, as we see it has done? How could all our preparations this year for a descent upon France, have been fore-slowed and retarded as they were, and our men imbarked, only to cost half a million, and make us ridiculous to the whole world, unless the hand of Joab had been in it? Nay, it does not appear there was so much as any tolerable scheme, plan or design laid for this descent, which was so much valued to the parliament last winter, and filled the world so much with expectation all the beginning of this summer: the time was only spun out, and all things ordered so, that no good effect should follow; which could proceed from nothing but treachery in some of those who had the ordering of it. Who can believe that our victory at sea this year should not have been farther pursued, if all people employed had been [illegible] intentioned? Why was there never any examining of miscarriages, in not pursuing this victory at sea, and in not hastening the preparations for the descent? In these cases we have Testimonium rei, res ipsa loquitur. There can be but one reason [illegible] studied negligence [illegible]. How come we to [illegible] intelligence, even in things [illegible] so easily to be had, and [illegible] for [illegible] the war [illegible] long [illegible] up theirs. It was that, or worse, that lost the opportunity of fighting the French last year, when they came to Ireland with only a squadron. It was want of intelligence that made our fleet so backward to go out [illegible] we had good intelligence, we had not staid, after we were ready, for the Dutch fleet to assist us, when we were really more in number than the French, though reports were industriously spread that they had 90 or 100 sail of [illegible] that D'Estree was joined, which was confirmed at court, though a Dane affirmed he had left D'Estree in the Straits. We had no notice, for several weeks together, of the French ships got into the road of Havre de Grace, and their condition there (though easy to be had twice a week by Fishermen) till merchants brought the news to our secretary's office.—When orders are to be given out for any design, there are so many delays, upon some pretence [illegible], that the time of execution is always over before the orders are received. And besides, they are so defective, and in their nature so impracticable (as we have lately seen in the business of the descent) that it were better none at all should be given. —Are there any [illegible] to our enemies, and rise in favour of them, as there was this summer, when the French were coming? Yet nobody is found out or prosecuted that was concerned in it. Every body knew that horses and arms were bought, and some were taken. Every county saw that their discontented men flocked up to London. Nobody thought the French would either provide to come hither, or seek to fight us at sea, but upon some ground of treachery; and yet there could be nobody discovered that had any correspondence with them. These things are indications sufficiently plain to any wise man, where the bottom of all this mischief lies: but none are so blind as those who will not see.

All these things put together, make a considerable part of the melancholy and miserable State of the Nation at this present time. If it be asked, what shall be done to remove all these evils? I say, the first step towards a cure, is well to understand our disease; and if the parliament can be thoroughly sensible of these things, and make the king likewise sensible of them, the very nature of the disease will of itself lead to the proper remedies. Therefore I am humbly of opinion, that the parliament should begin by a most humble, dutiful and respectful address to his majesty, representing to him the true State of the Nation [illegible] re-

[illegible] able for that gracious expression of demanding the advice of the parliament, and assuring him, [illegible] wanting for maintaining and defending his [illegible] of all his enemies; as on their side, after what [illegible]

[illegible] medy the grievances of which we complain; [illegible] carrying on the war, will advise such measures [illegible] without, to hope that there is really a proba- [illegible]

N° VIII.

An Enquiry, or a Discourse between a Yeoman of Kent and a Knight of a Shire, upon the Prorogation of the Parliament to the 2nd of May, 16[illegible]3.

By Major Wildman and Mr. Hampden.*

[illegible] in Ch. II's Reign, [illegible]

[illegible] parliament meets?

[illegible]

[illegible] You know it was so designed, [illegible]

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* [illegible] of W[illegible]

[illegible] practised in the late reigns and the Judges [illegible] were [illegible], that they declared (notwithstanding the laws for annual parliaments) "That the holding of Parliaments depended intirely on the king's pleasure." But it is most manifest, besides the positive laws for yearly parliaments, that by the antient constitution of our government, they did meet of course at least twice every year. Afterwards in the reigns of the Saxon kings it was made a perpetual law, that a Parliament should be holden every year once at London; and the same law was incorporated into the [illegible] all the successive kings of England to this day. [illegible] more to concur with our king in his pretensions [illegible] their due authority, than my own knowledge, [illegible] ers usurped in several late reigns, to refuse the [illegible] form them into a compliance with their de- [illegible] solemn and repeated assurances his majesty gave us, 'That his design in coming into Eng- [illegible] promoted the murders and treasons committed, [illegible] heard him desire the Parliament 'to make such an effectual provision for their fundamental [illegible] thought the antient legal course of annually [illegible] diately restored, and the strongest fence made [illegible] kingdom could have invented: but I must tel [illegible] the king's will for a session of parliament, as [illegible] should be.

Yeom. If this be our case, it is no wonder [illegible] we are in [illegible] government remains wholly unsettled in its [illegible] that after the expence of twenty millions, besides the vast effusion of blood, we are no more [illegible] the convention of the people for a settlement, when king James had just abdicated the kingdom.

Knt. You take it rightly. If no Bill should pass to secure the certain legal succession of [illegible] usurpations made by the late kings therein, and [illegible] then Judges, 'That the holding and continuance of Parliaments depended absolutely [illegible] acknowledged not to be the kingdom's right, [illegible] and despised; and the flatterers, and designers to make him absolute master of our laws [illegible] can commit them. I am sorry to say it, but [illegible] we have for our religion, our laws, our liberties, [illegible]

Yeom. Sir, you make me afraid that our country must run a desperate hazard, to have their government, and all their highest concerns, [illegible] half year. The king, I hear, is going to Flanders, not to return till towards winter; [illegible] war? and what dreadful consequences may [illegible] in an unsettled kingdom? Pray, sir, [illegible] you tell me the reason why his majesty [illegible] liament? What shall I say to my neighbours [illegible]

Knt. Do you expect, my good [illegible], that I should shew you good reasons for the king's rejecting of the Bill? If I had known any such reasons, or either house of parliament, we ought not, as his great council, to have advised him to pass it. We concluded, [illegible] cerned to have this Bill enacted, to justify the [illegible] reputation of his concurrence, with the advice of the great council of his kingdom, obliged him to a free consent to that Bill, the expectations of all Europe being so exceeding great from [illegible] tunity of this act, lest any accidents [illegible]

[illegible] of money from them. And we thought his [illegible] to this Bill, in regard it deprived the crown of [illegible] some and necessary laws grow into disuse. [illegible] lish crown, would have pressed him to a conjunction with the parliament in this Bill, since [illegible] and affectionate counsels and assistance of [illegible]

Yeom. Sir, you have been extremely kind [illegible] and necessity of this Bill; but you have not [illegible] against the king's passing it. I would gladly [illegible] of this fundamental of our government.

Knt. [illegible] there was no necessity of passing such a Bill in this king's reign; but all that was said was in substance no more than, That the bill took [illegible] to call, continue, and dissolve parliaments at his pleasure; that the power of the regal office would be lessened thereby; and, that it was [illegible]

Yeom. Pray, sir, let me be so bold as to ask [illegible] answered: I know it is not hard to delude the [illegible] ture; yet they are not ignorant that it hath [illegible] this occasion.

Knt. As to the first pretence, That the Bill [illegible] and pleasure only, it was plainly said, 'That there neither is, nor ever was, any such prero- [illegible] essence of our constitution.' It is a repugnancy [illegible] that by our constitution, the subjects are to be [illegible] as the laws shall direct, as they respectively [illegible] alter and change (all which is known by our Statutes, [V. d. 25 H. 8. 1 J. 1.] and acknowledged by all that know our laws); and then to say that our kings have a rightful power and [illegible] their deputies for that purpose, by continuing such as are once chosen so long as he or they [illegible]

Yeom. Sir, I thank you for opening of this point. I see it manifestly inconsistent, that the subjects should have a right to be governed [illegible] the pleasure of their kings, whether parliaments [illegible]

Knt. I must tell you, that it was further said, that such a pretence of Prerogative ap- [illegible] The duty of the regal office was so notoriously [illegible] for the kingdom, it was so far from being es- [illegible] government in them: and it appears by our [illegible]

Yeom. Sir, our country is bound to pray for [illegible] ties, and made it thus plain, that it does not [illegible] must tell you, sir, there are a sort of people [illegible] it. Pray, sir, help us to understand what is [illegible] vernment; and writs for calling parliaments [illegible] within the compass of certain times, being the foundations and essence of the government; and that it is not in the power of the royal prerogative to refuse the calling these parliaments successively as the constitution intends. The being or not-being of such parliaments is not trusted to the crown, but the direction only of some circumstances about holding them, is left to the royal prerogative. But there is also a general trust placed in the crown, by our constitution, to call parliaments upon occasions [illegible] of the kingdom require it; and for that reason, when a positive statute enacted, that a parliament should be holden once every year at least, these words were therein added, 'And oftner [illegible] of the kingdom.—The Prerogative of the kings [illegible] to the king and kingdom to attempt to take it away, or diminish it by any act of parliament. it is as necessary to the common good and safety, to maintain this prerogative of the crown about occasional parliaments intire, as it is to prevent the extending the like prerogative to parliaments in general; and a certain prevention of that mischief was the only aim, and honest intention of the promoters of the late Bill.

Yeom. Sir, you so well distinguish the powers and prerogatives of the crown, that I cannot imagine what could be said to shew that this bill incroached upon any of them. I have found, by experience, that those who clamoured most against it, for taking away the king's prerogative, could say very little when they were pressed to speak particularly. I myself, after my country-manner, asked one of them the other day, whom I heard clamouring, What royal prerogative the Bill took away? Tell me, said I, what act of royal power, possible to do any good to the crown or kingdom, was proposed by the Bill to be restrained? Is it a royal prerogative, to have the very being of parliaments, the use of their authorities, and the constitution itself, absolutely at the king's will, against which alone the Bill provides? That the people should never consult, or provide for the safety of their estates, liberties and lives, unless their kings please? Hereupon the gentleman grew angry, and said I talked like a base Commonwealth's-man. Truly, sir, it appears to me, that some amongst us hate our laws and liberties; but not daring to say so, [illegible] are better at railing than reasoning, and talk only in generals, as if they were the only friends to king William, though they have another per- [illegible] the power of the crown, and cry out, that this Bill lessens the [illegible] dignity of the regal office. Pray, [illegible]

Knt. This suggestion against the Bill ap- [illegible] objected it, could neither give an instance of [illegible] the Bill restrained, nor of any one act proposed by it to be done by the kings, unto which they [illegible] office without any such Bill. It is a wonder that any secret enemies of our laws and liber- [illegible] that the regal office would be lessened, by a [illegible] tant successive electing and holding of parliaments in a legal course, [illegible] to be inter- rupted by evil ministers, or ill prin[illegible] never be in any other manner supported, much less advanced and augmented. It cannot but be clear to every man, that by such a certain succession of parliaments, the greatest and wisest of the kingdom should constantly hold their consultations to advance the king's and his kingdom's interest, honour and greatness, and be enabled to discover all unfaithfulness, failures and defects in the administ[illegible] derogate from the security, potency and honour [illegible] thousands, may be applied to the king's service, [illegible] conduce to the kingdom's safety and honour. And to compleat the prince's glory, all the [illegible] gathered in many ages from both the Indies, [illegible] of such great councils should think fit for the maintenance and prosecution of any just and glorious design.—But it is notorious, that none [illegible] be exercised by the English kings in any other manner, than by such a constant succession of parliaments as the laws intend; and therefore it is evident, that this bill proposed the highest advancement of the regal office, by making provision for the certain holding of such [illegible] to read your Chronicles at home of our kings; and you shall find, that all those princes were [illegible] counsels of legal successive parliaments; and [illegible] and power of the nation, and rendered themselves and their people unhappy.

[illegible] suade them from observing the laws for constant successive parliaments? and how came [illegible]

Knt. I could easily tell you, if it were fit to

[illegible]
[illegible]
a due course of parliaments, their corruptions [illegible] ambitious designs defeated. And for the princes, they are deceived by their flatterers with a false notion of power: they are made be- [illegible] and which, at their several coronations, they [illegible] suade some of them, that it is the glory and [illegible] by laws to hurt their people: but if they be truly God's Vicegerents, they ought to remember in their most towering ambitious thoughts, [illegible] mighty, that he is uncapable of doing ill.

[illegible] me, that this Bill was not only just in itself, but highly necessary for the settlement of the [illegible] the kingdom: but it seems such as had a mind to avoid it, urged it to be unseasonable at this time; they pretended their fears, that it might [illegible] rumours, that a parliament is jealous of our king's compliance with them in securing our liberties. When they could not resist the reasons for the Bill, they offered at the old trick [illegible] better season. Do you think, Sir, there was any thing of weight in these pretences, or were [illegible]

Knt. If I might, without breach of privilege, tell you the discourse in our house of commons upon this occasion, you would conclude that [illegible] the Bill, did not believe themselves, whatever they said to delay the bill for fear of a disgust [illegible] in truth (after so many in both houses had appeared for it) a reason for present passing it, that the whole world might have been out of doubt of their perfect union.—But I may freely tell you some of the private discourses amongst the members; and in those some of us were bold to ask, Whence came the rumours that the Bill would displease the king? and [illegible] Bill delayed as unseasonable? But I could hear of none that would own more than their doubts and conjectures; which made me sus- [illegible] dissuade the king from agreeing to the Bill, [illegible]

[illegible] ment are still designing mischief to disturb the [illegible]

[illegible] a due course of successive parliaments, ac- [illegible]

Knt. Sir, I can readily answer you, that if the time and manner of offering the Bill be [illegible] there could be no reason for the king to harbour such a thought. Is there any reason for a prince to think his people jealous of him, [illegible] curing their Rights and Liberties? Every [illegible] people careful therein, not only that he might not have it in his power to wrong them, but [illegible] should be ambitious to have laws of that kind made in his time, to be lasting monuments of [illegible] ple to invent and provide laws, so to secure their parliaments, which is their constitution, [illegible] his own commands should arise from a jealousy or distrust of him. It must also be considered, that our king hath had large experience of the confidence of his people in him [illegible] trusted their persons, liberties, and estates in his power, than was ever done to any former [illegible] to be esteemed the greatest of all trusts, that they have patiently born for above four years, the dangerous unsettlement of their government in a legal course of successive parlia- [illegible] the will of succeeding princes, to contest that [illegible] parliament hath thus highly trusted his majesty, can he take it amiss that they are un- [illegible] that it is the strongest argument possible to [illegible] government, than can be expected to meet in [illegible]

Yeom. Sir, I can never thank you enough for [illegible]

[illegible] ask me, as I must expect they will, why the king did not pass this Bill? Many of them are as ignorant as I was; and I could have stopped their mouths, by saying, that the Bill took away part of his prerogative: but now I am otherwise convinced, I cannot speak against my conscience, nor cozen my neighbours, tho' I should be very loth to drop a word that [illegible]

Knt. My good neighbour, I want advice as [illegible] having been zealous for the Revolution, I know not how to restrain, nor yet well to bear the scoffs of some of our enemies at my folly. They call to mind that I (simple man as I was) con[illegible] reformed, and our laws and liberties fully secured. They now ask me, Whether I find by experience a king of our own making more [illegible] that claimed by lineal descent? Some of them laughed, and told me, that I gaped for a New [illegible] would be nothing but righteousness; and that [illegible] none but men of virtue and known fidelity to [illegible] what I said, That God had sent us a prince [illegible] and conjured them to provide most effectual ways and means for securing their religion, [illegible]

Yeom. Sir, I suppose the gentlemen that talk to you in this manner, have a mind to dis[illegible] justly to reject king James, and make you believe that they were cozened in thinking that the security of religion, laws and liberties, or the reformation of the government, were ever [illegible] and avarice in the bottom of the design, and that whatever was pretended, the crown and its powers were the only things in the eyes of king William and his followers. They would [illegible] religion and liberties might be secured by a Treaty for bringing back king James, and that [illegible] burthens they now lie under. They would impose upon you to believe, if possible, that he [illegible] the feet of the Pope, by an English ambassador, and ran the utmost hazards to subvert the Protestant religion established, should desire to secure our religion, without pretending [illegible] defend our faith: and that he who is known [illegible] an effusion of Christian blood, to enslave us to his Arbitrary Power, and make himself our [illegible]

Knt. Neighbour, you are in the right; but [illegible] hope that neither the parliament nor the coun[illegible] pretend to maintain it, that upon the occasion of this Bill, [illegible] These men make a specious shew of their love [illegible] ness of the crown, as if they were their majesties principal friends, though in truth they are daily undermining their majesties legal title to [illegible] I will not determine) that what the king did [illegible] like a king. He hath shewed, say they, that [illegible] have no other but a precarious right to them, to have them only at such times, and in such manner, and for so long as the crown pleases. [illegible] lead, that the principles of our government were too strictly and severely laid down in the [illegible] Contract between the king and the people, [illegible] people on theirs; as if each party had no right to claim a share in the legislative power in [illegible] wrapped in clouds, and not exposed to vulgar [illegible] kings, that they receive all that majesty and [illegible] appointed times, call parliaments, and let them [illegible] direct. They praise the wisdom of his majesty's [illegible] further obligations to the people, than were upon his predecessors. It is fit the kingdom [illegible] others that have sat in the throne; and if he [illegible] the people, in their demands of their liberties, [illegible]

[illegible] instruct me; yet I was such a blockhead, that till this last discourse of yours, I did not ap- [illegible] party as now I suspect, that prosecute the [illegible] enslave us. I thought that such as enjoyed [illegible] enslaving us, by setting up pretences of a power [illegible] king and people. Though I am convinced there [illegible] signs; yet before this your discourse, I did not [illegible] corrupted or infatuated us to think, that our [illegible] and all our estates, liberties and lives, are holden by the mere grace and favour of our kings. I must confess you have mentioned [illegible] that nothing of our Rights could have been too [illegible] was done in the Revolution, what are and have [illegible] But I perceive that what cannot be denied to be the people's legal right about parliaments, [illegible] liaments than some of his predecessors: the [illegible] and renewed in all ages for the same thing; since every body knows, that the new law hath [illegible] former, which his majesty and all his prede- [illegible]

[illegible] of one was made a precedent of doing the like [illegible] reign, but in those of their successors; and [illegible] liaments came to be so broken and disused, [illegible] as their right, but rather moved for them as [illegible] dations of our government: and for that reason [illegible] and to that purpose they also ordained, that [illegible] cause to insist upon this Bill for successive parliaments, especially upon this Revolution, [illegible] re-establish our ancient Constitution, with all our rights and liberties.

Yeom. Sir, I am ashamed to detain you [illegible] ject does so disquiet my mind, that I can scarce forbear being further troublesome to [illegible] settled: they are seeking to bring us into that [illegible] They have avoided the raising and vacating all false judgments and opinions against the peo- [illegible] James's. I cannot but conclude that it is for [illegible] parliaments to be holden unavoidably; all the [illegible] such a Settlement for several ages.

Knt. I wish our countrymen were generally as well informed as you are concerning the [illegible] to be our masters under king Charles and king James, grievously oppressed us then, and have [illegible] [illegible] tion, and are so able to plague, vex and crush [illegible] not speak their minds of them or their proceedings. But pray, Sir, help me to shew my neighbours how this sort of men, in their de- [illegible] [illegible] course of successive parliaments.

Knt. It would require greater abilities than I have to shew what you desire, by reflections upon our whole history of the contests with the kings for our liberties; but I will tell you the practice in our times, and those just before us. This sort of men under James I. [illegible] as an eclipse of his power; and insinuated to [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] liaments uneasy to him, so that he was always [illegible] [illegible] sort of men appeared more boldly upon the accession of Charles I. to the crown. They [illegible] mental of all Liberty and Property, the power of the people of England alone to impose [illegible] fidence to maintain a power in the kings to [illegible] without act of parliament. They cannot deny [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] and privileges, nor how they were tossed up [illegible] tions and dissolutions. The houses, studies, and pockets of divers of their members were [illegible] [illegible] [illegible] and censure of inferior courts and judges. The [illegible] clared cause sufficient to detain some of them in prison till death, without trial, or being le- [illegible] men thought all these practices could not secure them, till they brought that king to resolve to have no more parliaments, and to for- [illegible] tion of parliaments.—We ought to call to mind, that for ten or twelve years after, all the coun- [illegible] [illegible] crown wholly independent upon the people in parliament for Supplies and Aids. Such were the [illegible] [illegible] [illegible] [illegible] Billet-money, oppressing Monopolies, and il- [illegible] [illegible] [illegible] [illegible] oppression of it were so manifest, that a sufficient number of persons could not be suddenly [illegible] [illegible] [illegible] necessary settlement of successive parliaments. —The last most dangerous and desperate of their designs of that kind was, upon some pre- [illegible] and settle Martial Law, that might raise such Money as a council should think fit, and make [illegible] binding to the subject as acts of parliament. [illegible] the Journals of the Commons in parliament: [illegible] he had received 30,000*l.* which was sent over seas, to hire German horse to be the foundation of a Standing Army here.—I could tell you, neighbour, that during all these transactions, which lasted divers years, their counsels and endeavours were to divert the king from admitting the legal course of parliaments. The petitions and cries of the subjects to restore them, could not be heard; and agreements [illegible] sons of greatest abilities and influence, in or- [illegible] there should be no more parliaments during his life. Nevertheless about the year 1630, [illegible] pressing, they resolved to make use of a Parliament for Supply, but without a thought of doing the kingdom right, in restoring the due succession of parliaments, and the exercise of their legal authorities: and therefore as soon as they were met, they procured the king to demand of them their giving up their legal fundamental privilege, of considering in the first [illegible] and the king so positively insisted in denying them their Right and Privilege therein, that within 20 days they were dissolved, contrary to the known intention and ends of our constitution.—[illegible] [illegible] legal course of parliaments, raised great discontents, and loud and general cries of the [illegible] whereof were such, as I dread and abhor to remember: yet it was universally agreed, That the want of the legal course of successive parliaments, and the designs of interrupting [illegible] the great [illegible]

[illegible] laws for annual successive Parliaments; and [illegible] and contrivances against them: which was [illegible]

Knt. [illegible] such suggestions, and that the king, lords and commons passed that Act with great unanimity; and that king often gloried in having [illegible] but I believe you confound the Act for Triennial Parliaments, with another act for making the parliament then in being, in a manner perpetual; for they were not to be dissolved or [illegible] by act of parliament. That Act did in truth [illegible] might, or did thereupon ensue, ought to be imputed to the alteration made thereby of our constitution, or monarchy, not to the just and [illegible] which the Act of Triennial Parliaments made [illegible]

Yeom. Sir, I know there is a common mistake [illegible] the authority of parliaments, and to frighten them from demanding and insisting upon their [illegible] arbitrary power are always busy in such matters [illegible] the Return of king Charles II.

Knt. They pursued the same designs of subverting our constitution as to Parliaments, but [illegible] by experience, that a free Parliament could not be awed, and that the people in the inter[illegible] them: yet there was an absolute necessity for [illegible] great part of the crown lands being wasted and [illegible] Triennial Parliaments, whilst a few worthy patriots laboured in vain to defend it. It is true, [illegible] holding of parliaments; yet it left the king at liberty to continue the same parliament as long [illegible] all which time they could not be said truly to [illegible] either grown up, or had purchased estates, [illegible] the nation was when that parliament was first called. But having got a considerable party [illegible] confirm and increase it. Places and pensions [illegible] brought over to them: and it is no wonder [illegible] of the poor peoples purses, when a great part [illegible] firmed by the open confession of a gentleman [illegible] ceeding parliament, who there acknowledged his paying annually many and great Pensions [illegible] neither pains nor money spared to get their [illegible] election of a burgess for Northampton.

Yeom. Sir, you have fully satisfied me that [illegible] before it; but their measures are more dan[illegible] for our preservation.—But pray, sir, what was the meaning of the great bustle all over England about Charters? What made the court so [illegible] a design to influence the elections of members [illegible]

A. Yes, most [illegible] Parliament [illegible] but [illegible] [illegible] Charters [illegible] [illegible] Quo Warrantos [illegible] [illegible] [illegible] [illegible] parliament [illegible] court.

Your S. I am infinitely obliged to you for your pains and [illegible] that there could be so many Englishmen [illegible] this continued design to subvert our constitution, [illegible] Prince of Orange [illegible] Religion, Laws [illegible] [illegible]

But [illegible] [illegible] the people [illegible] never [illegible] [illegible] avoid a rock that hath been fatal to all who [illegible] his majesty [illegible] honest man [illegible] 'That was the Design of his coming hither.'

No IX.

A Short State of our Condition, with Relation to the present Parliament; commonly called the "Hush money Paper."

By C. Lawton, Esq. Printed about November 1693.

No greater Happiness to England, than the King and Parliaments' conjunction in National Designs.—Danger of bribing a Parliament.—Enemies to the Revolution in Employment.—[illegible]—Members of Parliament [illegible] the Country.—Managers of Parliaments odious.

IT is too sad a subject to admit of raillery, otherwise a man might say that we may defy all the plots of the [illegible], and the [illegible] of [illegible] [illegible] his people, since the people have chosen him a parliament, of [illegible] members are fit to be employed by him, as well as entrusted by them. A man might droll on, but he can have no English heart, nor think [illegible], who can sport himself with our calamities. There cannot sure be any [illegible] impregnable, more glorious and happy, than [illegible] designs. [illegible] any juncture more fatal, than when a house of commons seem as much in a separate interest [illegible] persuaded [illegible] Such a house of commons will make slavery [illegible] liberty. What with talking of the church and the monarchy at one time, now the French

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* State Tracts published during the Reign of William 3. vol. 2. p. 369.

[illegible] with any thing that has a parliamentary sanction. That 200,000*l.* a year bestowed upon the parliament, has already drawn out of the subjects pockets more millions than all our kings since the Conquest have ever had from this nation, and that without any rude complaint, is a proof, that if a king can manage well Mr. Guy's office, he may without much ado set up for absolute. *Venalis est Anglia,* [illegible] parliament should give, but that they should give reasonably; as Flammock's rebellion, [illegible] witness: and yet I believe our rolls will [illegible] to instruct their members, and our constitution [illegible] But when, think you, shall we have a new election now, since the king has about sixscore [illegible] that although they have mortal feuds when out of the house, though they are violently of opposite parties in their notions of government, [illegible] never divide when the interest of the family, as they call it, is concerned, that is to say, when any court-project is on foot? The house is so officered, that by those that have places and pensions, together with their sons, brothers and kinsmen, and those who are fed with the [illegible] ence these have upon some honest mistaken [illegible] any bill, quash all grievances, stifle accounts, and ratify the articles of Limerick: I call [illegible] time out of season. I confess they must adore kings more than I do, who when their own management has brought them into difficulties [illegible] their humiliation. I would trust an elected king a great way, if I saw he understood election to be his title; if our generosity would engage him to reformation: but when I see he knows neither his own nor our interest, em[illegible] mies all along, and were his when the debate of the crown was on foot; when I see him hate [illegible] others; when I find the money the nation gives to defend our liberties from foreigners [illegible] in a word, when I see neither the one nor the [illegible] I say, when I perceive all this, it is time to [illegible] list of those that are in office; which if I had, [illegible] have justified what we have done to after-times; had any thing but personal grandeur been the real intention of him, who we in[illegible] wanted; to have made the elections of parliament secure and frequent, trials impartial, the militia our standing force, and the navy our strength. I thought we had called [illegible] sure the nation will take some way to let the [illegible] they should not only provide for a campaign in Flanders, but (if we should yet have our wished-for success) for our security even against our own victories, and such laws as may make it [illegible] I would not embarrass the government, but I [illegible] it is for our good, and not to gratify their ambition, that they are put into those posts.—It [illegible] they will be just in their arbitration? But after all I would not be thought to insinuate, that [illegible] England: there are some, and those in great [illegible] have one hard thought; though there are [illegible] have taken care to convince us, that we were [illegible] should not be distinguished from the bad I forbear making a list, which most members, if they please, can make for themselves and their neighbours, and more exactly than I can do it; and I think the best ought to suspect and examine their own consciences, whether their employments do not bias their votes. If [illegible] make [illegible] better ourselves pay the [illegible] better ourselves allow them plentiful salaries for sitting there; each particular county would save [illegible] account in it, whilst they preserve their members from the temptation of being hired out of [illegible] get good laws for what they give. We can scarce pay too much for good laws: and if we have not some [illegible] war is over (let it end which way it will) be able [illegible] our own. If the members of parliament are to overlook all the [illegible] government, that they [illegible] and neglected [illegible] when the very being of the [illegible] upon our being [illegible] what amendment, what confirmation shall we have of our constitution when all our dangers are over? This is a thought deserves our most serious reflections. In the late times the city of London often petitioned for passing of laws; will they always lend money now, and never expect a thorough alteration of the ministry, and securities for the future against court-projectors? In king James the 1st's time there were certain sparks that undertook for parliaments, that were called undertakers; and there is a certain secret that has stole out of [illegible] the next time they sat, with as much scorn and [illegible] Judges [illegible] instead of [illegible] of the [illegible] this person [illegible] can so perfectly feel the pulse of a parliament, during an interval. I could name a certain [illegible] when the [illegible] a little out of humour, disposed of no less than [illegible] that made the least observation can remember [illegible] is possible for reformation, had their mouths [illegible] what [illegible] at their hands, we shall have a new parliament. I cannot tell whether a new parliament will [illegible] however it is our last and best remedy: for if [illegible] God have mercy upon [illegible] England [illegible] have been, [illegible] are like still, for ought I see, to be re-paid for all [illegible] experience [illegible] advices from Parnassus, whereby the enemies of the government have great advantage [illegible] them to ridicule us for our foolish credulity.

Nº X.

An Account of the Acres and Houses, with the Proportional Tax, &c. of each County in England and Wales. Humbly presented to the Lords and Commons, 1693.

My Lords and Gentlemen,

OF the proportion [illegible] tax in decimals, an arithmetician, in two or three hours, may [illegible] whosoever shall be laid, [illegible] on acres or houses, it would prove nearly as in the table [illegible] London, or the [illegible] without the suburbs [illegible] bears near the sixteenth part of the tax, that Middlesex, [illegible] and twentieth [illegible] tax; [illegible] together, abstracted [illegible] the ninth [illegible] part of the tax, that [illegible] towards the tax [illegible] Middlesex, [illegible] London, [illegible] the acre, that Yorkshire has about the [illegible] part of the acres of the whole kingdom, the eleventh part of the houses [illegible] part of the tax. [illegible] that the [illegible] have about 100 parliament men; those [illegible] about [illegible] men, those that have no reason to [illegible] about 220 men. Whether [illegible] shew reason for alteration of the method of taxing, I submit to proper judges. The matter of fact I here endeavour to demonstrate, and am,

My Lords and Gentlemen, your most obedient Servant,

JOHN HOUGHTON, F.R.S.

Nº XI.

The Danger of Mercenary Parliaments.*

[illegible] *Men considered.—Nature of a true Par-* [illegible] *of Parliaments but of late date.—Instance in* [illegible] *tation not answered by the Revolution.—Miscarriages in the Admiralty.—Deserters of* [illegible] *Corruption of Members.—The dangerous Grievances.—The Advantages of Disinter-* [illegible]

1. SEVERAL treatises have been formerly written, and more (I doubt not) will be in this juncture published, with directions and informations to the people of England for chusing fit and proper representatives for the ensuing parliament, wherein sufficient notice will be taken of the failures and defects of several who have already been entrusted in that service, and the due Qualifications of such who are now to be elected. I shall therefore con- [illegible] head, which yet, in my opinion, seems to involve in it the inevitable fate of England, which [illegible] in the next session of parliament: I mean *the* [illegible] *court.* If herein my endeavours prove unsuccessful, I shall have nothing left but the satisfaction of my own conscience to support me under the deplorable consequents and effects [illegible] house of commons, filled with officers and [illegible] and effort the people of England have left them for their properties; and should we now mis- [illegible] our affections for our country, and fruitlessly bewail the loss of our liberties, but shall never [illegible] ourselves in its service. That I may therefore set the minds of people right in this particular ere it be too late, I think it will be only necessary to shew the danger of chusing members that are in places from two considerations: first, from the nature of such a parliament considered in itself: and, secondly, [illegible] ments so qualified. In both which I shall be very brief, and content myself with much fewer [illegible] subject: for I should almost despair of being survived by the liberties of England, if I could imagine there was a necessity of saying much in a case not only of such irresistible evidence and demonstration, but also of the utmost concern and importance to us.

2. First then, We shall best be able to understand the nature of such an ill-chosen parliament, by comparing it with a true one, and with the original design of parliaments in their institution. I hope it need not be told that they were at first intended for a support to the king's just prerogative, and a protection to the subjects in their as just rights and privileges; for maintaining all due honour to the executive power [illegible] those who are intrusted with the administration of the laws; for a poise and balance between the two extreme contending powers of absolute monarchy and anarchy; for a check and curb to insolent and licentious ministers, and a terror to ambitious and overgrown statesmen; for giving their advice to his majesty in all matters of importance; for making necessary laws to preserve or improve our constitu- [illegible] densome and obsolete; for giving the king [illegible] of the government, or maintaining a necessary [illegible] examining and inspecting the public accounts, to know if their money be applied to its true use and purposes: In short, for the best secu- [illegible] royal dignities, and the subjects liberties, estates and lives.

3. This being the nature and true design of a parliament, let us now see whether a house [illegible] sioners, will answer those noble and laudable ends of their constitution. And here indeed I begin already to be ashamed of my undertaking; the proof of the negative is so ridiculous, that it looks too much like a jest to ask any one in his wits, whether a parliament filled with delinquents will ever call themselves to an account, or what account would be given if they should? Whether an assembly of public robbers will sentence one another to be punished, or to make restitution? Whether it is possible our [illegible] power to appeal? Whether there is any hope [illegible] persons who design to abuse him? Whether the public accounts will be faithfully inspected [illegible] use? Whether the king's prerogative can be

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* Printed anno 1690 in quarto. See Harleian Miscellany, vol. i. p. 582, and State Tracts in the Reign of William 3. vol 2. p. 633.

[illegible]

Or, lastly, Whether a house of commons con[illegible] slavish fears of losing them! Methinks it is offering too much violence to human nature to ask such questions as these; I shall therefore [illegible]

4. Yet lest still any should remain unsatisfied, or lulled into a fond opinion, that these mischiefs will not ensue upon the elections they shall make, I shall farther endeavour to [illegible] particular, and showing how parliaments so qualified have all along behaved themselves. And here I must confess there are not many instances to be given, the project of corrupting parliaments being but of a late date, a practice first set on foot within the compass of our own memories, as the last and most dangerous [illegible] of a freeborn people; I mean king Charles 2. [illegible] ter down the bulwarks of our excellent constitution, had recourse at last to those mean arts, and underhand practices, of bribing and corrupting with money those who were intrusted with the conservation of our laws, and the guardianship of our liberties. And herein he so well succeeded, that the mischiefs and calamities occasioned by that mercenary parliament, did not terminate with his life and reign; but the effects of them are handed and conti[illegible] tion to this very hour. For it is to that house of commons the formidable greatness of France was owing, and to their account therefore [illegible] of the late war: it was by those infamous [illegible] feigned and collusive war with France, which at the same time was employed either in sub[illegible] protestant neighbours abroad: it was this venal parliament in effect that furnished the king of France with timber and skilful workmen for building ships, as well as expert mariners, and a prodigious quantity of brass and [illegible] Tower; by the help of which our own treacher[illegible] France a seaman: by this means the honour [illegible] and naval strength betrayed, with which like [illegible] parl. made a sacrifice of all to the charms of a French Dal[illegible] considerable charters of England, the deaths of [illegible] trade, the growth of arbitrary power, the ill [illegible] a rampant hierarchy in the kingdom, the inso[illegible] the universities and elsewhere, their slavish doctrine of passive-obedience and non-resistance; in short, a general depravation of manners, and [illegible] that reign are justly chargeable to the account [illegible] causers of them: who, though they sat long and often, and could not be ignorant of our deplorable condition, yet having their eyes [illegible] inhumanly ravished in their very presence. [illegible] nor shall I take any further notice of their great and fortunate oversight in doing it, nor of their unfeigned repentance afterwards for it: I shall only observe, that if the nation had [illegible] same members a second time, who were pen[illegible] our folly and madness in such a choice; nor [illegible] of a quite contrary disposition, who, as far as [illegible] mitted to sit at the helm, repaired the shat[illegible] honour, revived its drooping genius, gave force to its laws, countenance to its religion, and, in a great measure, reduced our banished li[illegible] their fellow-subjects; a punishment indeed [illegible] crime a member of parliament is capable of committing.

[illegible] ciently justifies our carriage towards him, yet [illegible] sitting in his time. It is true indeed, he reaped [illegible] bribed parliament in his brother's reign, and [illegible] another for himself, well knowing it to be the [illegible] most effectual means to carrying [illegible] and destructive projects; yet either [illegible] constancy of the people [illegible] of [illegible] he was [illegible] defeated in his expectation.

6. This miserable disappointment of king James's [illegible] hearty endeavours, and accompanied with the most unfeigned vows and wishes of all true [illegible] what happiness might not the people [illegible] the government [illegible] The general [illegible] election of his people? We were filled with golden dreams not only of a bare security for our estates and lives, but an inexhausted affluence of all manner of blessings a nation is capable of enjoying. But [illegible] the [illegible] yet have [illegible] visions. And though the nation is by this time sadly sensible [illegible] fallen short of their expected happiness, yet are they not at all acquainted with the true spring and fountain from whence all their misfortunes flow, which is indeed no other than that bare-faced and openly avowed corruption, which, like a universal leprosy, has so notoriously infected and overspread both our court and parliament. It is from hence are plainly derived all the calamities and distractions under which the whole nation at present groans: it is this that has changed the very natures of Englishmen, and of valiant made them cowards, of eloquent dumb, and of honest men villains: it is this can make a whole house of commons eat their own words, and countervote what they had just before resolved on: it is this could summon the mercenary members from all quarters of the town in an instant to vote their fellow criminals innocent: it is this that can make the parliament throw away the people's money with the utmost profusion, without enquiring into the management of it: it is this that put a stop to the examination [illegible] fleet into Brest: it is this that has encouraged [illegible] lation to the loss of so vast a number of men of war [illegible] passing a bill so often brought into the house for incapacitating members to bear offices: it is [illegible] honour a leading member for his audacious procuring and accepting a grant of lands, which [illegible] public service; a vote that shall stand recorded [illegible] infamy of that mercenary assembly: it is this [illegible] the [illegible] he was [illegible] to what he was [illegible] peaceable dispositions and considerable estates vote for a standing army: it is this, that could [illegible] their command [illegible] own apparent interest. In short; it is this [illegible] our constancy, sullied our reputation, and in[illegible] ancient constitution, we shall with horror and [illegible]

7. Fatal experience has now more than [illegible] ments and temptations which from thence have been continually dispensed for the corrupting of mens minds, and debauching their honest [illegible] human nature may be given within these few years past, as might make a man ever ashamed [illegible] generacy of the age we live in? To see persons who were formerly noted for the most [illegible] who from their infancy had imbibed no other notions than what conduced to the public safety, [illegible] and confirmed by the advantages of a suitable conversation, and who were so far possest with this spirit of liberty, that it sometimes transported them beyond the bounds of moderation, [illegible] unwarrantable excesses: to see these [illegible] most active instruments for enslaving their country [illegible] surprising a transition from one extreme to another without passing the mean, as would [illegible] Pyrrho. All the stated maxims, in relation to the nature of mankind, which have been long [illegible] ploded; and we have nothing left us to con[illegible]

[illegible] come consummate masters in that most detes- [illegible] hopes and fears of attaining or losing offices and preferments. And though I here name offices, yet those offices are downright bribes and pensions, since they are held precariously [illegible] upon non-compliance with the Court-measures; though I am not ignorant that several [illegible] among themselves the considerable posts in the kingdom: for either by spliting of offices [illegible] sunk, or by creating others which were alto- [illegible] number carry in the house, who were always ready and constantly attending with more di- [illegible] rest were to preserve it? who represented not [illegible] together in a close and undivided phalanx, impenetrable either by shame or honour, voting [illegible] same things, as if they were no longer volun- [illegible] about by a mechanic motion, like an organ [illegible] little squeeking trebles are filled but with one [illegible] Yet a few of them may in some measure be distinguished from those point blank voters, [illegible] persuasion of their once intimate friends, nor [illegible] ever prevail to join in an honest point, or dissent from a question that carried in it the [illegible] tenders in dependence till the end of the session, and bind them up to their ill behaviour, [illegible] mand their wages of unrighteousness: witness [illegible] signalize their several merits for an office, [illegible]

them be punished: some of which they did [illegible] in the people a high expectation that some [illegible] them; when their design at the same time was [illegible] now the difference in point of corruption between a common jury, and the grand jury of the nation! Such a mutual assistance and support have they been to one another in the several mismanagements of their trusts: so [illegible] any way opposed their unjust proceedings; witness their scandalous partiality in the case of Duncomb, which I hope to see printed at [illegible] were truly represented, I am sure there needs nothing more to excite in the people a univer- [illegible] to value themselves upon their merit in con- [illegible] quer bills, by which all impartial men must [illegible] beset and surrounded, and his palaces invested [illegible] such a parliament who lie under no tempta- [illegible] his dominions; a parliament that will fall una- [illegible] structed and delayed the most important service of the commonwealth.

[illegible] for their own preservation: I answer, That no [illegible] practices. But I would further ask them, [illegible] such a reproach upon our Revolution, as if it [illegible]

[illegible]

James that makes us content he should live so near us, or that he should be maintained at our own charge of 50,000*l.* per annum? Or has [illegible] clusion of the peace? It is very strange that king James, who is but their jest in private, [illegible] frighten us out of our senses like children: so that king James must be at last our ruin abroad, [illegible] interest at home. And in this sense I am of [illegible] delivered from the fear of King James, who must be made the instrument of our slavery by those very persons who pretend their greatest merit to consist in delivering us from him. But what is this but making the old abdicated tyrant a footstool to ascend the throne of absolute power, and a scaffold for erecting that proud and stately edifice from [illegible] pretences as these, and that a well chosen par[illegible] sures upon those who would thus jest us out of all that is dear and valuable amongst us: that they will no longer resemble a flock of sheep (as Cato said of the Romans in his time) that [illegible] such whose counsels not a man of them would make use of in a private cause of his own: that they will at last vindicate the honour of England, and imitate their wise ancestors in hunting down their beasts of prey, these noxious [illegible] suffer themselves to be led in collars and cou[illegible] turning up of his nose shall expect a full cry of sequacious animals, who must either join voices, or be turned out of the pack.

10. Notwithstanding what I have said, I [illegible] themselves, or falsly suggest to others, that I envy [illegible] I am so far from doing, that I wish they rather had them for the term of their lives: I desire only [illegible] not be their own judges, that our sovereign re[illegible] than its mother's milk. Nor would I by any means [illegible] provided they are in a condition to speak and [illegible] tions which I find they have not constancy enough to withstand; for after all, I still believe many of them so honest, that nothing but [illegible] But if nothing will satisfy them but the downright subversion of our constitution; if they will be content with nothing but the utter [illegible] able members of the Commonwealth; not only [illegible] vernment.

11. [illegible] whoever are chosen will still be bought off and bribed with court preferments: I answer, it will require a considerable time to new-model and debauch a house of commons, nor can it be done but by displacing all those who are [illegible] of bribery more plain, and consequently more [illegible] practices. It is true, indeed, this consideration ought to make us more circumspect in our choice of members, for though we should chuse but an inconsiderable number of pensioners, yet they will soon be able to work over a ma[illegible] leaven leavens the whole lump.' Whoever [illegible] other motives of fear or private interest, should vote for any one person so qualified; let him [illegible] a compliment of all the liberties of England to the insatiable avarice and ambition of statesmen and court-ministers. Since therefore we have so narrowly escaped our destruction, and one session more of the last parliament would infallibly have ruined our constitution, we can[illegible] which may easily be done, if the freeholders and burghers in England will petition and engage their representatives to consent to a bill which shall be brought into the house, to incapacitate all members for holding offices and [illegible] reserved in store for those who shall be from time to time elected, and thereby a continued [illegible] through the whole nation, who will in a few [illegible] shall be thoroughly ripe for destruction, and readily expose to sale the liberties of England by auction to the fairest bidder. If it was de[illegible] grievances, that the judges, who only declare [illegible]

citum: what condition must we be in when [illegible] tuted to bribery and sordid gain? The fortune [illegible] and there are critical seasons, which if neglected, will never again be offered; and should we now fail in our duty to our country, we [illegible] our foresight and diligence prevent for the future the bribing and corrupting of parliaments, [illegible] be the never-ceasing concomitants of such a settlement. If the very rump of a parliament, [illegible] concussions from abroad; if that small and [illegible] the repute and honour of the English name; what country or what region could ever give [illegible] full and legal parliament so nobly qualified? [illegible] resist our forces, or so politic as to infatuate our counsels? There is nothing within the [illegible] such a disinterested assembly, headed and in- [illegible] ever yet swayed the English sceptre: a prince [illegible] glorious effects of his inimitable conduct, and [illegible] happy conjuncture of a free and unbiassed parliament, that he might join with them in the [illegible] yet green and flourishing laurels from his majestic brows, and ungratefully cast a tarnish upon the lustre of his bright and shining achievements: that he might dissipate those inauspicious vapours which have hindered him from breaking out in the height of his meridian [illegible] he wanted the assistance of a Standing Army to [illegible] en-deavour to fix the brand of their own acquired [illegible] performances.

12. I shall conclude with one word, in answer to such who may possibly think I have [illegible] with their own breath and free consent all their rights to their estates and lives. I con- [illegible] between our present government, and our present way of governing; whose distance from [illegible] the other hand, that the great and unwearied diligence of the present conspirators against our government, in order to support their future elections, does infer their thoughts, that the [illegible] making us slaves, think it no great difficulty to effect their purposes, I see no reason why I ought to be so tender as to forbear expressing my fears and apprehensions of their success.

N° XII.

An ESSAY upon TAXES, calculated for the present Juncture of Affairs in England.

By the Marquis of Halifax, 1693.*

SINCE [illegible] [illegible] be carried on for the preservation of our liber[illegible] of both; and notwithstanding the false and [illegible] bites, that a peace with France were more necessary than a war; and that it is more carried on for the sake of others, than ourselves; and [illegible] [illegible] [illegible] to secure our religion and liberty, obtain a safe and secure peace, and avoid the great burthens [illegible] were to cast off the present government and [illegible] France; yet there is nothing more clear than that these notions are altogether absurd and impracticable: and that the true meaning of it is, only to give up all that is dear to us, into the hands of two princes, who have always preferred the design of subverting our religion and [illegible] [illegible] Flanders than for England, and in conjunction with confederates, than alone, is what will bear no dispute. All that admits of a doubt is, what are the best means and methods to carry on this war. As to the first, relating only to the raising of aids sufficient for this undertaking, I thought I could not do a more acceptable service to my country, than at this time to con[illegible] [illegible] executing them, I must acknowledge myself wholly incompetent both by my education and experience; and shall chuse therefore to recommend that matter, with my good wishes, to those whose province it is, and especially to my sovereign, who I judge must needs be better informed in this matter than any other prince or person whatsoever.

The method I shall pursue to set this matter in a clear light, shall be to lay down some general rules or maxims by which our ancestors [illegible] [illegible] [illegible] therefore are not easily to be departed from. In the next place, I shall endeavour to examine the several taxes that are now in use, and [illegible] [illegible] [illegible] cise, and shew how far they are consistent or inconsistent with the government, ease, and liberty of the people; and in the last place, [illegible] [illegible]

As to the matter of those aids, our ancestors [illegible] [illegible] [illegible] [illegible] manufactures, materials, or other things relat[illegible] [illegible] [illegible] land, trade, and other gainful professions. [illegible] foreign taxes; and when proposed, have de[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in, and consequently to preserve the monarchy. [illegible] not employed in trade, double to land and [illegible] should be observed in the imposition.

[illegible] [illegible] [illegible] [illegible] that their revenues were all upon old rents not subject to defalcations, repairs, or loss by tenants, or for want of them, or other diminution; and had great advantages in point of fines by renewal. And as for the other clergy, their tythes, and other profits, came into their hands with little charge, and that as well the [illegible] not to come in by purchase but free gift, and [illegible] Rome, and its dependance, to which all foreign [illegible] greater and lesser nobility, they were always treated favourably, being the chief basis and [illegible] their port and necessary support of their digni[illegible] [illegible] they called a sparable part. Thirdly, as to the rich usurer or tradesman, whose family and expence was small, and gains great, and escaped [illegible]

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* Somers' Tracts, 4 Coll. vol. iv. p. 69.

* Rot. Parliam. 9 Edw. 3rd. nu 5. Vide C. Instit. 4 Part. fol. 34.

[illegible] landlord and tenant; which, according to the [illegible] treble in arable; the charge of the latter amounting to a third more than green-sod: So that in truth, they have all their livelihood al- [illegible] to any port, and are the proper basis of a democracy, or commonwealth; these were generally rated more strictly without any allowance, [illegible] labourer having a dependance upon the nobility [illegible] out them, and consequently a farther support to the monarchy, were usually exempted, unless [illegible] within the limits of the subsidy; from hence [illegible] vertheless, in the poll acts, which came but rarely, these inferior sort were sometimes [illegible] lity of imposition, these rules were observed: [illegible] common necessity; and that the prince as well as the parliament, should shew a great tenderness [illegible] upon them; of which we have a notable instance in q. Elizabeth, who released half the [illegible] not require it; which had a mighty influence upon future grants. And it is observable, that [illegible] exactness, or to impoverish the people, and have expressed a care and regard to their ease, [illegible] fortunate, great, and prosperous; contrary to [illegible]

[illegible] in the collection as may be, by the multiplica- [illegible] position; this has been strictly observed, being always the same rate in the pound. Neverthe- [illegible] made it rather a moral equality, than a mathe- [illegible] the commissioners and assessors should be sworn, and have liberty to examine all persons, [illegible] personal estates, that length of time might not produce too great an inequality; and that the [illegible] the value of things, of labour, and of service, [illegible]

[illegible] now in being, or in vogue: and first, as to the [illegible] but a military contribution taken up in the [illegible] the kingdom, as it then stood forty years ago; [illegible] out a punctual survey of the whole, and lying [illegible] upon lives or fines; wherein the dignified [illegible] sonal estate come in to the aid; and which lies so heavy upon the nobility and gentry above [illegible] monarchy: I take it to be the most impolitick [illegible] Secondly, as to the double excise; though this [illegible] house keepers, by the discouragement of the vent; yet were the armies well paid, which is their greater hardship, I see no great inconveniency in the continuance of it, during this oc- [illegible] when the war is ended. Fourthly, the poll tax, [illegible] considered; and though much exclaimed [illegible] extraordinary occasions; and in all other [illegible] multiply that tax according to the horses that they find in the [illegible], I think they are suffi-

[illegible] charged and [illegible] [illegible] [illegible] it may be easily rec[illegible]

[illegible] projects that I have been much discoursed of, I shall reduce them to two heads, first, things of large credit, upon some perpetual funds. And secondly, the home excises; as to the first, there are two difficulties to be overcome, to make these practicable; first, to find out such a fund; which if upon the present revenue, will be a lessening of it; if upon any [illegible] difficulties in the grant; and in the next place, the novelty of the thing, the loss of a principal for a perpetual interest, or the long distance of time if it be repaid; upon which calculation all these projects are founded; the breach of [illegible] since, and the frequent breaking of the bankers, [illegible] their money upon new projects at a distance. Nevertheless if it were tried for a small sum at the beginning, it having been experienced to be so useful, beneficial, and practicable by our neighbours the Dutch, and is in itself very reasonable, it might gain some place and credit here, and would supply the want of money in specie; [illegible] the value of silver and gold, the obstruction and [illegible] money [illegible] is so much lessened, that it does very much require some expedients, especially when public taxes [illegible]

In the next place, I shall proceed to consider of [illegible] by excise upon our home commodities. First, a general excise upon home commodities is a real land tax, and will [illegible] and rents, as that we call a land tax or monthly assessment, hath; and will raise at least seven, [illegible] as bad as a land tax so many times double. Which I thus prove: the difference must be either in the matter, or the manner. As to the matter first; a general excise upon home commodities, and a land tax, or monthly contribution, differ not essentially, since both are a duty [illegible] the product of land; only in this their main difference consists, that a monthly contribution is a composition in gross *per mensem*, for all the commodities the land produceth; and a general excise is [illegible] part thereof. [illegible] difference consists in three things: first, as to [illegible] imposition. All which shall be considered in this second head. Secondly, that it will have the same influence as a monthly contribution so many times double, and not prove [illegible] sible tax, as is commonly alleged, will easily appear by considering two things: first, whether it will chiefly lye upon the buyer or the seller, and [illegible] [illegible] truth, that if the necessity of the buyer be [illegible] greater [illegible] any duty laid upon commodities will lye upon either accordingly. But as to the present case in England, I think there is nothing more apparent [illegible] is in truth the principal cause of the present [illegible] consequence of which necessarily will be, that whatever duty is imposed upon the commodity, [illegible] since it is in his choice of whom to buy, and indeed who shall sell, and who not. As to the [illegible] excise [illegible] since the time of payment is not until sale, and [illegible] the trade of this kind is upon credit, and not [illegible] is paid, a great abatement of the price is expected [illegible] all alike, as beef, mutton and corn, &c. and [illegible] it will be found these advantages will be much over-balanced; to which I may add the vast charge, trouble and slavery in the collection, [illegible] beget an army of officers, and a further army of soldiers to second them; a consideration of [illegible] it of all practices the worst. Secondly, a general home excise will destroy trade, which will appear thus: whether the fund of trade in England be money, or home commodities; now [illegible] main trade of England is in the return of our home commodities, and not that of money, which is the main that the Dutch trade is driven [illegible] own countries to export, nor indeed enough to support the 20th part of their own people, which renders this kind of tax most proper there, though very destructive here, all impositions [illegible] on which they are imposed, as the experience of all former times and places doth abundantly prove; besides the great consumption of all [illegible] modities imposed upon there, are most foreign, but here native; and estates there personal, [illegible]

[illegible] rents; for if the present land tax hath produced an effect to such a degree already, and [illegible] more money out of the country than what it can bear, disabling the tenant to pay his rent, [illegible] same thing by this new way? Fourthly, a gene- [illegible] government; for having already given duties in all foreign commodities, should they admit of this upon native, there were no more to be given, nor could it be carried on without a mi- [illegible] hazard the government itself, if the people should not swallow it; and if once got up, will never be laid down. Fifthly, It can be of no use to a present supply, since it will ask a long time to settle it; and neither afford much money, or credit, till it be so settled; and that the experiment be tried, whether it can, or will be borne, which this town, under the oppression of a war and [illegible] be objected, 'That the Dutch raise greater [illegible] fully than we.'—This is a perfect mistake; for [illegible] ordinary revenue; and their war is maintain- [illegible] That this will raise near thrice as much as wil [illegible] vent of all our home-commodities, especially [illegible] baker, between our wheat and our bread; the [illegible] candles; the higler, carrier, or poulterer, between our poultry and wild-fowl; iron, lead, wool, tin, leather and salt, between the first [illegible] between the buyer and the consumer, will pay [illegible] excise out of his own purse, which will require a greater stock; and gather it in again of the consumer, without interest, or profit, much of [illegible] grower. Nevertheless, he will certainly raise it in the price to the consumer again; and so [illegible] to be a loser by it; and this being disperst all the kingdom over, must needs create a vast [illegible] to the king; to which I may add, the great [illegible] attended; and the keenness of the officers to exact them, and the great discouragement all this will bring upon the consumption, with the great disturbance and slavery that it will bring upon the people, to have their houses subjected to the searches of officers, and their persons and estates to entries of goods, and to penalties upon that account. Now the case is not the same in Holland as to any of the particu- [illegible] to discourage the consumption, and to occasion parsimony, most of the commodities being foreign; and to encourage the export of them, [illegible] upon the first buyer, because of the scarcity of the commodity; and that besides that little which the country affords, it is all in the hands [illegible] the necessity of the buyer is far greater than [illegible] necessaries for life.—Thirdly, Their collection is very easy and cheap; for the merchant se- [illegible] that it is all collected there with few hands, [illegible] the excises of Holland, both upon foreign com- [illegible] but at two millions a year, monasteries and [illegible] for several years; and but sufficient to pay the interest; and it is the 200 penny, and 100 penny upon personal estates; that is [illegible] ordinary occasions; and therefore probably, [illegible] imagine, especially upon some few things; and [illegible] ficiencies before-mentioned, will be equal; and [illegible] ing it odious, and disgustful to the people, are so great; and above all it can turn to no account but for a continuance of time; and that it is a foundation for any government, or ambi- [illegible] duced, by the continuance of it; and therefore I think no Englishman will be willing to make [illegible] ney by: having in some measure prevented it by passing my censure upon those that are now in practice and vogue; I shall conclude all with [illegible] upon a true pound rate, according to the wis- [illegible] most eligible above others: which I shall en- [illegible] and by answering those objections that are usually made against it.

But before I come to these particulars, I think it necessary to give some general account of the antient form and method of subsidies, tenths and fifteenths; the two latter having [illegible] beginning of the civil war; a subsidy before the war did usually amount to 70,000*l.* * the last subsidy-book being the rule by which the future were given; wherein every man's land was valued at a certain rate beyond reprises; and this was not altered but once in an age, [illegible] a review by the oaths of the commissioners, assessors, and examination of the parties themselves, or any other person knowing therein; [illegible] allowance for debts, and a great number of children, to which they had regard upon application made by the parties, pursuant to the provision in those acts; all persons under 5*l.* in personal, and 3*l.* in real, as formerly rated [illegible] excepted; and all goods and stock in trade and [illegible] included: and a subsidy was 4*s.* in the pound upon real estate, and 2*s.* 8*d* upon personal, payable by two payments. And although [illegible] 4*s.* upon lands; yet when it is considered, [illegible] profits; and not their intrinsic value of purchase; and that this is almost treble the profit of money at 5 per cent. and that all other [illegible] as I have before asserted.

As to the tenths and fifteenths, they were a certain rate imposed on cities, towns, and boroughs, in respect of their moveable goods, and did amount to about 20,000*l.*; but there was usually a clause to reserve a sum for such cities and towns as were decayed. As to the [illegible] said so much already, I shall reduce them to very few heads. 1st. That it is equal in the imposition, nobody can deny; nor that none [illegible] being undervalued. Secondly, That it is made [illegible] of debts, empty houses, drowned or unprofitable lands: but as for lands, let or unlet, since the profits may be made in hand, as well as otherwise, there was never any allowance; the [illegible] are a burthen, and yield no profit. Thirdly [illegible] goods, &c. shall pay: though the assessments brought in the full value, yet the Commission- [illegible] person, according to his quality.

[illegible] are usually made against it; viz. First, That [illegible] proved. And secondly, That it will not raise [illegible] juncture. To the first of these I answer, That the experience of all former ages is a sufficient evidence; and the reasons of the late [illegible] countenance that the monthly assessment hath met with from the court; and the discounte- [illegible] granted the first 12*d.* aid, and the king to name Commissioners, that they put in all the same [illegible] able to the crown, in favour of their particular countries, so it is like to prove the most fatal to the nation, disabling it to raise any great sums from the great inequality of it, and in- [illegible] vernment, or prove destructive to the nation. Secondly, The zealous endeavours of the Western and Northern [illegible] monthly assessment, which is so favourable to them; which when they consider the consequences beforementioned, I hope will be no longer insisted on, at such a time as this, when [illegible] shew that this is easily practicable, if the par- [illegible] acts, which you will find in the statutes at large, [illegible] these methods be thought too rigorous, I pro- [illegible] put the law in just execution; and that every [illegible] the true value of the lands in the place where it lies, according as it is rented; and if in their hands, according to the highest value that it [illegible] ed, under pain to forfeit a year's value for every [illegible] certified by a tenth, or any other part to be [illegible] above a certain quality, but to lose that benefit [illegible]

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* [illegible]

* 32 Hen. 8. ca. 50. p. 715, the assessors [illegible] p. 893, the same. 2 & 3 Edw. the 6th. ca. 36. p. 970, & 971, the same. 3 & 4 Edw. [illegible] ca. 23. p. 1004, 1005, the same. 7 Edward the 6th. ca. 12. p. 1052, 1053, the same. 4. & 5 Phil. & Mar. ca. 13. p. 1158, & 1159, the [illegible]

As to the not raising a considerable sum, [illegible] every 12*d.* in the pound will raise a million, [illegible] four millions, which I prove thus: the monthly assessment at 70,000*l.* per mensem, raises 840,000*l.* per annum; and of this I am sure not near a third part of England pays above 12*d.* in the pound, and some not above threepence, and so upward to a shilling: now if these two thirds were brought to pay a shilling, and the others reduced, I leave it to any rea- [illegible] 100,000*l.* would not have been raised, espe- [illegible] in to aid; and this I shall observe to you, That [illegible]

above a million, and the rest of the provinces [illegible] such sums as are imagined; and for that rea- [illegible] had adjusted their aids, a full and successful experiment has been made for a million upon a perpetual fund, and probably might bear half a million more, if the time for subscription and [illegible] not of the king's nomination, as I am informed, [illegible] expected from it; so that other methods must [illegible] privateers, as to trade in general, but more par- [illegible] West-India trade, have produced but very little; also the duties upon sugar have been [illegible] born during the war. These things I thought [illegible] Essay.

No XIII.

A Letter to a Member of Parliament, shewing that a Restraint on the Press is inconsistent with the Protestant Religion, and dangerous to the Liberties of the Nation. Printed in the Year 1697.*

The advantage of Printing.—Reason against [illegible] *ing the Press.—Liberty of the Press secures all other Liberty.—Of Physic.—How far Licensers are to be trusted.—A hinderance to* [illegible]

SIR, According to your commands, I here [illegible] to oppose the restraining the Press, as incon- [illegible] I undertake to shew. And in order to prove the first, I beg leave to premise, First, That which makes a man to differ from a brute, [illegible] there is a religion, but to distinguish the true [illegible] out religious truth, in order to practise it, [illegible] after, and endeavours to discover religious truth, by the use of that reason which was [illegible] misses truth, he shall not miss the reward that [illegible] Maker, in misusing his rational faculties; and [illegible] dience: for God will judge us as we are accountable (that is, rational) creatures; and [illegible] tion to the use we make of our reason: And [illegible] to distinguish truth from falshood, that alone [illegible] other. Now the way that a man's reason does [illegible] mediums, that either himself or others have [illegible] ment of any proposition with those standards and tests of truth.—Though this is the only way to discover truth, yet if a man was left wholly to himself, without any to inform his judgment, he would make but a very small discovery in religious, or any other truths: Therefore it is men's mutual duty to inform each [illegible] apprehend to be true, and the arguments by which they endeavour to prove them; which cannot be done so well as by printing them, ten thousand books, after the letters are once set, being sooner printed than one transcribed: By the advantage of which, men, though at ever so great distance, may, with a great deal of ease and little charge, be exactly acquainted with each others sentiments. And it's wholly owing to printing, [illegible] only much more diffusive, but that a great deal of more useful knowledge has been discovered in a short time since that invention, than in many ages before. And if it has not had as great effect in most places with respect to religious as to other knowledge, it can only be, [illegible] to the former, has been more restrained; for men have the same way of judging of that as of all other matters.

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* State Tracts in the reign of William 3, vol. [illegible]

This being premised, it is clear that the Press ought not to be restrained,

1. Because it tends to make men blindly submit to the religion they chance to be educated in: for if it is once supposed unlawful to [illegible] their religion on trust, without any trial, which is the greatest fault that can be, next to having no religion at all: For I cannot see any ground [illegible]

2. Because it deprives men of the most [illegible] for them. I can see no reason why it is more necessary for him that judges for others, than [illegible] arguments on all sides; this being the only [illegible] suppressing the evidence in a cause where men's eternal happiness is concerned, is (I take it) much more criminal than in a cause of a temporal interest. So that a law to oblige the judges to hear the proofs but of one side, is not [illegible] with the Press; who, to be sure, will suffer nothing to be printed but of their own side, and [illegible] a pleader will the party or cause against which [illegible] a judge that has heard but one side can be of [illegible]

3. Because it hinders truth from having any [illegible] chiefly to examination: for the more rational that makes an opinion appear, the greater power it will have on the affections, which are [illegible] between the cause and the effect; for what does not convince the understanding, will have but little or no effect on the will: Which is one [illegible] any opinion, it will oblige them to act accord[illegible] on trust: and nothing more endears truth to us, than that its discovery is the effect of our [illegible]

4. Because [illegible] truth (should we chance to light on it,) guilty; for that (as I have already proved) will not be accepted, if it be not the effect of an impartial examination, which makes error itself innocent. for if any thing in that case be a fault, it must be the examination, because that might have been prevented; but the opinion that is caused by it could not, that being a necessary consequence of the other. Men when they are left to themselves without any clergy at all, are more likely not only to judge for themselves, but to make a truer and a more impartial judgment, than when they are permitted to [illegible] out of interest they think fit.

5. One reason why God hath so formed mankind, that each alone without the help of [illegible] mutual love and kindness, and to contribute [illegible] well as of the body. For a man would be in a [illegible]

[illegible] what they think is the truth, and the reasons [illegible] planted in them a strong desire to find out religious truth, but as great an inclination to teach [illegible] there is no man who believes a doctrine to [illegible] deavours to hinder men from communicating [illegible] for restraining the Press) invade the natural [illegible] according to the wise man's direction, 'seek after wisdom as after a hidden treasure;' I can[illegible] nation to endeavour by a law to hinder us from [illegible] 17. 1 Thess. v. 14. Heb. iii. 13) obliges every [illegible] mistaken brother into the right way; which he can no otherwise do, than by first judging himself what is right or wrong; and then by using [illegible] the wrong, to desist from it. And if, as the [illegible] this without hating his brother; every one has a right to print his sentiments, as the best, if [illegible] thought it their duty (though with the hazard of [illegible] different soever in all other things, do agree in [illegible] greatest act of charity; and consequently there is no sect that hinders others from publishing [illegible] the natural and revealed law, and breaks that golden rule (the foundation of all morality) of [illegible] others those doctrines they judge to be true, [illegible] others what they judge to be a religious truth. [illegible] triment of his health and fortune, in publishing [illegible] ing, I cannot see how the clergy can deserve [illegible] unbecoming the dignity of a rational nature, [illegible] arguments: And there can be no pretence to hinder men from doing this by restraining the [illegible] doing it any other way. In a word, men have [illegible] the other is seldom used, or to little purpose: [illegible] or less stupid and ignorant, and their religion [illegible] depraved as it is amongst them: and what is [illegible] berty of the Press, and all other ways of freely debating matters of religion? And had it not [illegible] nothing but a second revelation could have [illegible] still remain in a very high degree in those countries that groan under restraint, as Portu[illegible] eminent in all learning and knowledge, as well as virtue and bravery: and that it is so much [illegible] freedom; contrary to the practice of antient [illegible] less abound. Denmark, Sweden, and several [illegible] this; and it cannot be otherwise, for there is [illegible] not exercising it. And it is evident that the [illegible] what has been urged, I think I may safely con[illegible]

[illegible] and other such methods, given the Papists (who [illegible] an occasion to insult them, who are, they say, no other than a pack of hypocrites, in doing the very same things they so loudly condemn; and that it is little less than a demonstration, that the principles by which they pretend to justify their separation, are very absurd, since they are [illegible] And what was it in truth but these shameful practices, that put a stop to the Reformation, which at first, like a mighty torrent, over- [illegible] since that method, Protestantism and Popery [illegible]

The taking a contrary method not only hindered the farther spreading of the Reformation, [illegible] was no more perfect: for though the reformers deserve just commendation for what they did, yet being bred up in so much ignorance and superstition, they could not remove those vast [illegible] had taken the same liberty in examining theirs, as they did their predecessors opinions, it is impossible but that time must have discovered the truth, and made them agree at least in all matters of moment. But instead of this, they became as guilty of a blind obedience as the Papists; and it was a sufficient proof [illegible] Luther, Calvin, Church of England, said so nothing more common than that 'I submit all to Mother Church,' and such like phrases; [illegible] several sects were widened, and they all run [illegible]

9. Whosoever observes with what zeal our [illegible] ing their laity to read Protestant authors, would hardly think it possible for them to be so disin- [illegible] 'They that have a good cause will not fright men from considering what their adversaries [illegible] difference between truth and error, reason and [illegible] effect of a well-grounded confidence in truth, [illegible] this to be a just character of them, they ought [illegible] they apprehend any such design, to oppose it to [illegible] read them, that they may 'see the difference between truth and error, reason and sophistry, [illegible] forming, with their own eyes.' Taking a contrary method only affords a new argument for [illegible] followers a just cause to 'examine their doc- [illegible] It is a bad sign,' &c. In a word, did the Protes- [illegible] denouncing damnation against them, they would [illegible] Papists vainly imagine) such a guide as would [illegible] that every one's reason as a guide is infallible, [illegible] be not their own fault, should be for ever happy, has given them no other guide but their reason to bring them to that happiness; and [illegible] God, who is the 'rewarder of those only that [illegible] and the religion in fashion, which varies with [illegible] as little scruple to tell the magistrate that by

permitting an intire liberty he did nothing but his duty; but by a restraint of the Press he did not only shew himself guilty of a blind obedience, but did endeavour to make a whole nation so, and was to answer not only for all the errors and other ill consequences himself caused by a restraint, but likewise of abetting [illegible] the right in doing the like: and that though he should chance to be in the right himself, yet [illegible] nions, they could not meet with any that could give them satisfaction; and, in truth, writing [illegible] liberty to shew the reasons why they hold it, is but writing at random, because men's reasons [illegible] arguments as these, a Protestant clergy, that is [illegible] forward just as it serves their turns. 'If Baal be God, serve him; if not, serve the Lord.'

10. I can see no reason why they that are for tying men to that interpretation of Scripture a licenser shall approve, and therefore put [illegible] published, can with any justice condemn the [illegible] for the laity to read it. For if the bible is to be translated into the vulgar tongue, to what end [illegible] and difficult places? Ought they not then to [illegible] If they are to be denied this, lest they apprehend it in a sense different from that of the licenser and his party, the same reason will re[illegible] the bible, because they may, and frequently do apprehend it in such a sense as their guides do not approve; and if that be a crime, all the [illegible] a duty; and therefore if it cannot be prevented without hindering the laity from reading the bible, it is a crime to suffer them to read it.

11. This restraint gives a great handle to those that believe only natural religion, to argue against the Christian; for, say they, it is [illegible] stifle all the reasons that can be urged against it. The clergy, say they, are so learned, and [illegible] thing that is writ against them, had they but [illegible] licensing tricks, or stratagems, to make it victorious: these are the mean shifts that error is [illegible] obliged men to try all things, how can they [illegible] to be his successors ([illegible] believe the Scriptures) hinder a fair trial [illegible] there be a fair trial when all parties have [illegible] of all truths? Has the Protestant Religion a [illegible] in its defence? Thus it is that some men ex[illegible] from the other.

12. It may be objected, that by such a lat[illegible] religions, or into heresies and schisms. None can profess a religion but either, because upon [illegible] some by-interest makes him do so contrary to [illegible] trust without examining it. As to the first, if [illegible] true, the other a false one, yet if they have been equally sincere in their examination, they are equally in the way to heaven; because in following their reason, they both have done what God requires: so two men that equally act against their judgment, the one professing the truth, the other not, are alike guilty: so [illegible] trust; and such perverse holding of a religion, whether true or false, is heresy, as the other is hypocrisy: and according as men are more or less partial in examining, they are more or less heretical. So that it is not what a man professeth, but how, that justifies or condemns him [illegible] heretics or hypocrites, were there not bribes annexed to some, and awes to other religious tenets; for then men would not be afraid to examine those for fear of finding them false, nor these lest they should be true, nor to own or disown either, according as they judge them, true or false. And an entire liberty of the [illegible] because that is supported by better, plainer, and more cogent proofs than any false opinions are; which are either mischievous or burdensome, or at the least useless, whilst the other by its excellency and usefulness carries evidence and conviction with it.

[illegible] communion; which makes Protestant imposers not only schismatics but heretics, because having laid down as a fundamental of their religion, that every one is to interpret Scripture for himself, they most obstinately [illegible] against that fundamental [illegible]

[illegible]

[illegible] How, I pray, did the clergy, who at first sub- [illegible] but by a constant confederacy from time to [illegible] the other: and it is as evident where they are [illegible] verted, and the people most enslaved.—The [illegible] the people to a blind obedience, the conse- [illegible] mine in their own cause and for their own in- [illegible] their determinations; by which means they at [illegible] sistent with the goodness of God, and the hap- [illegible] way to secure tyranny in the church was to get it established in the state? So that if the Protestant clergy do not keep the people in as vile a subjection as the Popish do, it is not owing to their good will; and therefore none that have any value for religion, or any kindness [illegible] avoid leading others into it, especially such as [illegible] divine goodness to deliver all from sacerdotal slavery, [illegible] again? And if our ancestors could not defend [illegible] assistance of the Press, it is scarce possible that [illegible]

[illegible] tenets they find established by law; the truth [illegible] to have impartially examined, than a merce- [illegible] a trade they are to earn their bread by: and [illegible] annexed; in one place fierce Calvinists, in another violent Lutherans, in a third bigotted Pa- [illegible] them, who, poor men, are not trusted to guide themselves. Yet for all this extraordinary [illegible] tween the laity and them, it is evident that almost all the errors and wrong notions in re- [illegible] Scripture, since they pretend to none but what they receive from the society. Though I can- [illegible] clergy, would not enact such a law as suppo- [illegible] fit to be trusted with the printing but a half-sheet in religion without consent of a lay licenser, [illegible] would highly resent such a law; though I can- [illegible] saries, or that they have a mind to give them- [illegible] controversial divinity. But I shall say no more [illegible] religion, which it cannot be without being in general prejudicial to civil societies, for whose [illegible] there never was a nation which lost their religious rights that could long maintain their civil [illegible] hand. Therefore I shall be the shorter on what I have to say on a civil account, especially con- [illegible] how destructive a restraint of the Press is to religious, will equally prove it to be so in civil [illegible]

16. The greatest enjoyment that rational and sociable creatures are capable of, is to employ [illegible] as they think them; and herein consists the [illegible] which no other liberty can be secure: for what is it that enables a few tyrants to keep almost all mankind in slavery, but their narrow and wrong notions of government? which is owing to the discouragement they lie under of mutu- [illegible] But the arts of state, in most countries, being [illegible] very, it became a crime to talk, much more to write, about political matters: and ever since [illegible] the defects of either the government, or the [illegible]

17. [illegible] reputation, and [illegible] are the greatest incentives to all good and vir- [illegible] committing base and unworthy ones. And it [illegible] the rich and powerful would frequently oppress [illegible] either to the contempt or hatred of the people: for this law of reputation, if I may so call it, [illegible] whatever, but if there were a licenser of the [illegible] tifying their innocence to the world, which [illegible] because if once they lose their credit with the [illegible] a court to use. Therefore it is no wonder if all that make an ill use of their power, especially [illegible] their might to have the Press regulated, lest their crimes being exposed in print, may not [illegible] the government. In a word, all sorts of men whose interest it is not to have their actions exposed to the public, which I am afraid are no small number, will be for restraining the [illegible]

18. But this is not the worst that may happen, because the Press may be so managed, as to become a most powerful engine to overturn and subvert the very constitution; for should a magistrate arise with arbitrary designs in his [illegible] with an *Imprimatur*: Then the Press would be employed only to extend the prerogative [illegible] were really so; which would not only be the greatest discouragement to all brave and vir- [illegible] liberty to publish a vindication of their principles or actions, for their enemies. In a word, [illegible] ger, except the Press? But if that too be [illegible] all power of redemption; for there can never be wanting a thousand, plausible stories, and [illegible] their liberty; though force afterward was ne- [illegible] fraud.

[illegible] ruin; that it is probable another generation [illegible] straint of the Press passed for divine and sacred truths, the nation had tamely submitted to the [illegible] those papers in a great measure opened our [illegible] will be instrumental in re-establishing that [illegible] claimed against it in the late reigns, will take [illegible] be for a law which till themselves were upper- [illegible] there cannot be, I think, a greater argument [illegible] rescue our liberties when in the extremest dan- [illegible] hereafter hazard all our liberties. Under a [illegible] will not expose us to, but secure us from the oppressions of an ill one. The best things when perverted become the very worst; as religion itself, when it degenerates into superstition, so printing, which in itself is no small advantage to mankind, when it is abused, may [illegible] liberty of the Press, and that will, in all probability, secure all other liberty; but if that once [illegible] printing; but when that was suffered to speak [illegible] ever enacting any of those methods into a law [illegible] were I a senator, to oppose the restraint of the [illegible] but a restraint of the Press may in a great [illegible] I have met with some [illegible] never have appeared, nor any thing on that side, but a number of pamphlets on the other. [illegible] if seized by a domestic power.

21. I doubt not but there are several well- [illegible] change, could not but be apprehensive that [illegible] very designs they thought to promote by it. [illegible] like a jackanapes, he who has him in his hands [illegible] fore it is the safest way to keep their jackanapes [illegible] a great deal of hardiness to make such a law as may produce very fatal consequences even to [illegible] their own providing: and it is the more proba- [illegible] at present such a law has but an untoward aspect upon most parties; for one party, though he is pleased with it in religious, yet dislikes it in civil matters; another thinks the contrary to be his interest; a third is satisfied with having such or such sects restrained from printing, [illegible] a fourth, who cares not how all the sectaries are dealt with, is yet afraid, that if the Press be [illegible] be suffered to write any more letters to a con- [illegible] such like books; a fifth is afraid lest this power [illegible] that remark for himself: so that if all parties [illegible]

22. I might add a great number of other rea- [illegible] than history, and the knowledge of our ancestors' actions? a faithful account of which can scarce be expected in a reign that has a design [illegible]

[illegible] present time I shall only say, that for my own part I should be glad, especially when at a distance from London (and I suppose other coun- [illegible] the Gazette, which would hardly be permitted [illegible] very dangerous to a blind implicit obedience. [illegible] that it is inconsistent with religion: for the time [illegible] crime worthy the inquisition; and with as little [illegible] tracts) has the most useful book that was ever written in philosophy, the Essay of Human Un- [illegible] the most useful piece in that science, either be- [illegible] their advantage, by prescribing a cheaper and easier way of cure, or out of envy, or a thousand [illegible] present, but future ages. As to law, I shall only say, if there are any abuses crept into it, the [illegible] restraining the press.

23. Were licensers unbiassed, uncorrupt, [illegible] what sentences they pleased on books; but if [illegible] printed; nothing but necessity will make such [illegible] as laying a tax on learning, since by delaying to [illegible]

[illegible] and truth, by discouraging the ablest men from writing: for such persons, especially after hav- [illegible] thoughts, will not be content to have their works lie at the mercy of an ignorant, or at the best of an uncensured licenser, who upon a cursory [illegible] ceased friend should be so served; so that the works of such a person, though ever so famous [illegible] man has a mind to make any alteration or ad- [illegible] reason to condemn a person that upon a fair [illegible] ment of never writing again but under the au- [illegible] be subject to so severe usage, which too is the [illegible] no more than that such a book is foolish enough to be printed? It is objected, That without li- [illegible] bidding all printing, but none for appointing licensers; for it is much more reasonable for all [illegible] let the licenser's party abuse all others, and the [illegible] son, for an answer to which I refer the reader [illegible] lic (which here I have endeavoured to do, with- [illegible]

Nº XIV.

CONSIDERATIONS upon the Choice of a SPEAKER of the House of Commons in the approaching Session. Printed in the Year 1698.*

EVERY man who has at any time sat in the house of commons, must be sensible, that the Choice of a Speaker is a matter of the greatest importance [illegible] freedom of that house: and if liberty be there destroyed in the root, it cannot survive in the branches. For this reason, as is well observed in the king's Declaration, when prince of Orange, the evil counsellors of the late reign thought the surest method to inslave us was, by undermining the Liberty of Parliaments: And one step which such evil counsellors have always made in that execrable attempt, has been by Places, Bribes and Pensions, to take off the Speaker, well knowing that the freedom of that house depends in a great measure upon their Speaker, as our laws and rights depend upon that house. — [illegible] that whenever slavery [illegible] England, as it is among almost all our neighbours, it must be done by a corrupted parliament establishing a Standing Army: by which means this kingdom will feel the effects of tyranny from that place which ought to be the source of liberty.—Upon this foundation my lord Burleigh grounded his maxim, 'That England can never be thoroughly ruined but by a parliament.' And I am sure a parliament can never be more thoroughly fitted to ruin England, than when by the influence of many members bribed by places of profit, and pensions, a Speaker shall in some future reign be put into the chair, to whom those that are his friends can allow no other character than confidence and dexterity; and [illegible] granted to be an able man; but those abilities in that place the nation may justly dread.

Can it with any colour of reason or prudence be said, 'That there is no danger, let the dis-[illegible] they will: he is but a single man; and besides does not determine questions?' It is true, the ablest general alone, and without troops, is insignificant: but when regulated and well paid forces have a bold and skilful leader at their head, they must conquer; especially if [illegible] just brought out of their several counties.—Mankind can judge of few things otherwise [illegible] was chosen, may have been overcome by the [illegible] of state. But surely the majority of a house of commons will never chuse one to be their Speaker, whom they find, if the expression may be pardoned, already debauched, and once rejected on the like occasion.—This as it will be the first step, so is it of the highest consequence; for an error here, like one in war, can never be retrieved: And undoubtedly it will be thought a very ill omen of what may be expected from this house of commons, if they should so unfortunately stumble at the threshold.—It has been criminal formerly in a Speaker of the house of commons to go to court: but the duty of the office of a lord of the treasury must bring him there, and under the greatest temptation of compliance to every thing that is demanded. Nor will the ill effect this may have upon the liberty of parliaments stop here; for it is most certain that such things as are either allowed or connived at under the reigns of good princes, will be made precedents under the bad.

Freedom of speech, and other essential orders of [illegible] the majority: and if he ventured to speak so plainly, whilst we may presume he was aiming at that honour which some would confer upon him, how will he tyrannize with a majority that he will either find or bring into the interest of the court, when he is possessed of the Speaker's chair.—There are some public trusts, that in their nature are inconsistent with one another, and ought never to be joined in the same person, being designed to be a check upon each other: and a good man can neither with decency nor honesty unite such different trusts in himself. But neither decency nor honesty will bound the ambition of some men. —[illegible] greatest misapplication of the public revenues at a time when the kingdom is under the extremest necessity; is it probable that a Speaker will be impartial, or any way assistant to the house in an inquiry after such mismanagement, who was a lord of the treasury during the time of it?—Suppose a gentleman was 16,000 *l.* debtor to the crown upon the Revolution, and in a particular clause of the Act of Indemnity procured from the court a release of that debt; can it be expected, [illegible] embezzled since that time, the grand inquest of the nation will be able to make any progress with such a foreman?—Suppose there is a debt [illegible] the [illegible] so necessary a purpose has been disposed of for keeping up an army [illegible] should be disbanded pursuant to the determination of the last parliament upon the most mature and solemn debates, must not the house expect interruptions in bringing on that matter, difficulties in wording, and delays in putting the question, from one who in his station at court may be perhaps charged with advising the keeping up of the army, and in the last parliament was the best and most artificial advocate against disbanding it at all?—These and many other things [illegible] importance to [illegible] and our posterity, will fall under the consideration of the parliament in the ensuing session; it being evident that this time of peace is the most proper, if not the only season for rectifying [illegible] to adjourn during the war.—If a great officer be made Speaker, [illegible] in the world to [illegible] he will use the same arts to keep his office as he did to get it: And if it be considered how several members of our late parliament [illegible] the most advantageous [illegible] the court would not have seen, [illegible] the country [illegible] the court—yet not any man thinks this distinction of court and country party in the house of commons to be groundless or ill meant: for if ever a parliament was without such a distinction, it was when a court was without such ministers; who, instead of serving the government, serve themselves upon it, at the expence of their master's honour, and [illegible] their country: who, instead of being qualified to render his majesty great, and the people happy, seem only to be fitted to bring the king, if it were possible, into disesteem, and to make the king [illegible] And whereas the honour, safety [illegible] upon having no other interest than that of his people, it is his majesty's misfortune to be represented by the actions of such officers, as if [illegible] divided, but inconsistent. If such as these are leading men in a house of commons, they give just reason to all that love England, and have upon principles of liberty freely exposed their [illegible] for [illegible] government, [illegible] and some [illegible] ments are a burden.—It is this distinction must preserve the honour of our ancient constitution of government, till it may flourish under the influence of a parliament, in which none or [illegible] members of the house of commons. But a bill to that purpose is not to be expected, when a great [illegible] is Speaker.

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* State Tracts in the reign of William 3, [illegible]

The executive power ought not to be lodged in that house, because it would deprive the [illegible] useful work of their representatives, 'the calling [illegible] a steady administration in the subordinate officers of the government.—But in a house of [illegible] though it be by the scandalous way of putting the question for Candles, and carrying it in the [illegible] Treasury this session, if fortune prove so propitious, that one of their number be made Speaker. This point gained, the next will probably be to [illegible] such a Choice, unless we could suppose the [illegible] shameful a manner, that the several periods of [illegible] has made there, when the court has come up to his price.—His corruption in that station has been as notorious as his ability to do mischief; for both were extraordinary.—The Speaker's [illegible] convenient to such a one at this time: but I [illegible] to the liberties of his country. In a word, if it [illegible] it must be either prodigious folly, or an unaccountable fate, if such a man or a lord of the Treasury, be chosen Speaker of this house of commons.

No XV.

CONSIDERATIONS on the Nature of Parliaments, and our present Elections. Published in the Year 1698.*

The Restoration and Revolution the Work of the People of England.—The Corruption of the age.—A free House of Commons [illegible] advantageous.—The Advantages of a good House of Commons.—King Ch. II. Practices on the Parliament.—Reformation desired now or never.—What is our Expectation from the Parliament.

IT is amazing that a people so zealous for their liberties, should neglect the natural, safe, and certain way of securing them, when they have often had recourse to the most violent remedies, and have run the utmost hazards to secure their property. This is the only country in Europe that enjoys any freedom under a king, and it mortifies any thinking man when he considers [illegible] opportunities of a secure establishment have been [illegible] est attempts [illegible] succeeded by [illegible] [illegible] of king Charles [illegible] last Revolution [illegible] England; nothing could have brought it about in so miraculous a manner, but the weight of the whole [illegible] tors against our constitution. And if the succeeding [illegible] have by proper laws those liberties, and that government for which the people drew their swords, it must be concluded, those assemblies [illegible] —Whether they have done so ought well to be considered; and if they have not, to find where the fault lay, were a useful discovery. and it is highly necessary that the boroughs of England should be well [illegible] circumstances of affairs, and of the sentiments of mankind at this time; that by a proper and discreet choice they may [illegible] happiness of the [illegible], which are both in danger.—The opinion of the universal corruption of this age cannot be concealed; it is made evident by those that elect, by those that are elected; buying elections, and selling of votes, are consequences. And [illegible] present case, such a house of commons cannot pass for a representative of the people, but a representative of a few dissolute, mercenary persons, possessed [illegible]. The consequences of such thoughts they will do well to consider: which must induce all true Englishmen (at a proper time) to seek other [illegible] elected.

When I speak of a natural, safe and certain way of preserving the [illegible] of England, I mean the securing a free unengaged house of commons, consisting of the rich, honest and [illegible] the nobility and the churchmen, if a sufficient [illegible] had we been, and what [illegible] had been prevented to this nation? From Henry the 7th to this time, our [illegible] contained the names of princes on the throne fit to have been the predecessors to our glorious king: but true it is, he must have lost his [illegible] Deliverer, as we call [illegible] of our redemption; for our constitution would have preserved us from those [illegible] what we came [illegible] we had not had a whole generation conspiring for a hundred years together (though in different ways) against our established government, when sworn to support it. If our new barrier had been well fortified, and if our representative of the people had been contrived to answer indeed to the name, all our kings had been queen Elizabeths. But our elections in inconsiderable boroughs, and our members being [illegible] ing ministers.

A house of commons chosen truly by the people, incapable of pension and place; and the king and kingdom had been incapable of misfortune: they had been out of the reach of all human power, and, with due submission, above fate; since such a government would have made us the proper objects of divine protection, and not only have secured our [illegible]ness and glory, but our religion and morals too, which I fear are all going together.—In [illegible] circumstances [illegible] reason to fear the [illegible] No king of Scotland could have made a Scots [illegible] English assembly. Such a monster as Buckingham, and upon so monstrous a foot of favor, could never have grown to such an exorbitancy under such a constitution: he had soon been prevented in the apparent prostitution of our wealth, in his apparent neglect of the honour and interest of the kingdom, in his apparent and treacherous dealings with the French, and the public enemies: his iniquities had never been screened by a party; in a word, he had not fallen [illegible] to a private hand.

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* State Tracts in the Reign of William 3, vol. ii. p. [illegible].

Under such a government his pious son had pursued the like measures in vain: his French [illegible] block: all the blood shed to no purpose in those wars had been saved; he could never [illegible] only have lost his title of Martyr.—Under so just a balance of power, as the sons would have avoided the ill consequences of their father's fate, so [illegible] received in body and mind: they had not received (sons of the Protestant Martyr) the French religion, and above all contagions a French [illegible]—Such a government would soon have discovered the Protestant mask Charles 2 only pulled off at his death: such parliamentary constitution [illegible] apostacy of the next heir; the Bill of Exclusion [illegible] up and pulling down the late king with such hazard and expence to the nation. Such an [illegible] damnable invented project of corrupting parliaments (which I must mention in this place, [illegible] us in our mother's milk, which murders us by the hands of our parents, which infects the only cordial that can preserve our being, which makes us accessory to our own fate, betrayed [illegible] slaves by our protectors, and given up by those elected to defend our liberties (but of this, and the terrible consequences I shall take farther notice.) Such a constitution would have prevented that inundation of profaneness, lewdness and immorality, introduced by Charles 2, and his atheistical wits, to fit the nation for [illegible] in his reign; scorn of religion, contempt of a public spirit, derision of letters, and a pretending wit above rule, learning or scruples, [illegible] his favor, and public employments. No go[illegible] Deity does his creatures, in a state of free-will, and therefore in an exercise perhaps of private vices, or concealed villanies: but in such a [illegible] a rampant French whore openly governing our [illegible]

And to evince, as I go along, the interest of king and people equally to subsist in a steady, [illegible] death in such a well regulated Protestant state, [illegible] headstrong, popish successor. But let us leave [illegible] by such a brother, plotted against by his son, [illegible] bishops, and with nothing to save him from a future account, but extreme unction from the [illegible] wicked reigns; for the project of a Standing Army under a popish king, did but hasten our [illegible] under a belly of clouts. The son must really be got, and the army must be Protestant, I do [illegible] shall say less of the living prince, because of his misfortunes. He lives, and without a crown, which is punishment great enough for [illegible] mistake. Yet I can hardly contain when I remember he is the cause that all mankind have been getting our wealth, while our own [illegible] However I forgive him all the rest, but having left behind that worst of evils, a pretence to a Protestant army in a good reign, and in times of peace: and I will only lay to the charge of [illegible]

[illegible] our most pressing danger, and the present and future remedies of them. I have hitherto been shewing what violences, what infamies, what follies, an uncorrupted parliamentary constitution would have prevented; which evinces sufficiently what we have to expect in future times, if a secure settlement be not obtained under a good [illegible] height, that it may almost be said, a wise prince must comply with it: for as in a weak and low [illegible] bear it; so in our low and corrupted state, [illegible] country, when Whigs go resty without pension [illegible] against the government in war, to conclude with prostitute bawling for it after a peace; I say, when this is our case, when effectual laws [illegible] must not only seek for coercive honesty; and [illegible] mon porters; and either kings must drop from Heaven, and then let them be Jure Divino, or [illegible] the love of power, as well in kings as statesmen. I will only desire the example may be given me, of the best of kings succeeding a bad one, who ever made it his choice to give up any authority or acquisition, though obtained by his predecessor by means he would not have practised himself. Since then the evils of bad princes are permanent, and the good establishments of just ones often overthrown by those that are arbitrary, what methods for the good of mankind and society, but to find chains strong enough to bind a tyrant, which can only be made here in England, when a good king with upright ministers beats the anvil, and uncorrupted parliaments find fire and materials? —The highest compliment I can make this king, is to say, This is the time for so glorious a work, and we have great reason to expect his utmost assistance: for in truth, deliverance and reformation are his very title. There is this unanswerable argument to prove it must be now or never: some infections must be checkt in time, or retarded as a corrupt state, and I am sure we must flux now, or never expect to see a sound nose on the face of the government. Such a precarious peace as we have obtained, is hardly a blessing; but because it sets parliaments at leisure to settle a shattered state, let no time be lost then, when we are so unsecure of its lasting. But as I would willingly give some hints that may be serviceable at all times in the great cause of liberty, so I shall take notice, and that only which I observe in [illegible] the last reigns, what are the most dangerous symptoms threatening a people with loss of liberty; and where several of these circumstances concur at once (any one of which does threaten ruin) then I need not say a government is most in danger, and that the speediest and strongest antidotes should be provided against the influence of so many malignant constellations joined together.

To begin then with what the reign of king James the first will afford us: the most dangerous circumstance that could attend a nation, was a reasonable change, as to set up in the throne a prince born and bred up in another country, who must retain a foreign heart, who must be partial to the people, to the customs of his native land; who must therefore be unacquainted with the men, manners, privileges, and laws of those whom he is at last come to govern. This partiality is natural, and for that reason justifiable; and therefore as it seldom happens but that princes transplant themselves to a richer soil (as was the case of king James) so the wealth of the more opulent nation must always be prostituted to raise and supply the favorites of the poorer; and it is all can be expected, that they be not raised with such unmerited favors: besides, it is almost impossible but the interests of the two nations or people must interfere, to the ruin of one, or destruction of both, as this Scotch prince did. How perplext must the best of kings be in his divided thoughts and inclinations? And where, and to whom must nature and education incline him? It may happen, as in this case, that the unforced constitution of one country allowed a greater power, and greater prerogatives than were consistent with the laws of the other. How shall the spirit of a prince brook the refusal of that in one place, which he was used to the submission to elsewhere? How can he easily change a bent created perhaps by nature, and confirmed by custom? In one country required to head armies, in another obliged to encourage fleets: in one country troops are the support of men's property, in the other [illegible], this distinction princes cannot easily make. Religion too, the great ground of [illegible], or at least their pretence, differs almost in all countries, even where it agrees in name: and we know by bitter experience, how little the Protestant religion of the Stuarts has been our security. I will not [illegible] arising from such a circumstance; but I confine myself only to what were the apparent dangers in the case before us.

Another dangerous symptom appearing in the reign of Charles 1, was this, That all his arbitrary designs were carried on, and disguised under the mask of the most precise piety. Such impious projects as arose from insolence and pride, that were carried on by breach of faith, that tended to the effusion of the best blood in the nation, were always transacted in forms, with fasting and prayers. As his Ship-money was maintained by his judges, so were all his other experiments to enslave the nation preached for by his church, and laboured for by his bishops.—Another threatening circumstance was, the advantage with which Charles 2 came to the throne. The nation was then intoxicated with joy; and he made use of that opportunity, as Noah's daughters did of their father's drunkenness; as they went in to him, so he got into his power, and by his arts and corruptions [illegible] long Parliaments. And that none might have a scruple of conscience against this highest of crimes, betraying their country, religion in his time was the jest of his favourites: but for himself, he had a different one ready for every nation and sort of people he had to do with; a Papist in France, a Presbyterian in Scotland, a Churchman in England, a Quaker with Penn, an Atheist with Halifax. A most dexterous practice this in all princes that pursue it, who thus easily impose on good people willing to be deceived. Another [illegible] ensuing mischief (the very porpoise before the storm) is a standing army; which though it [illegible] King James [illegible] overturning all our laws, human and divine. He thought [illegible] many of his troops were Papists and foreigners; being secure too of ships from abroad to transport more strangers when wanted. But this was spoiled with one word, Popery.

[illegible] from a Protestant one.

[illegible] hear upon us (as in a hurricane) all at once? [illegible] cils in governing an English nation: he had [illegible] land, but forced to have laid it out for the ho- [illegible] usurpers; such a parliament would not then [illegible] prevented the causes of future mourning: nay, [illegible] prince of his name (let it be a Protestant one [illegible] country from all these dangers. All I can allow, but the circumstances of king Charles's corrupted parliament: for the incorruption of [illegible] that falls out with the rest, there is nothing left [illegible] be expected from so brave a people, when [illegible] of their danger. I shall conclude this part with the questions of king James the 1st upon his accession to the throne, 'Do I make the Bishops? Do I make the Judges?' If to this he might have added, 'Do I make the House [illegible] answer is too plain.

Having treated (and with a freedom an Eng- [illegible] of the last reigns, I come to a subject with more difficulty to be handled. What the people [illegible] what has happened since, were it only to ac- [illegible] never being so much obliged to any other. [illegible] countries: but he has now other tools to work with, a divided and corrupted people. His De- [illegible] constitution, so as no ill prince, no evil minis- [illegible] the sun; but my business at present is to consider what has been deficient; and, as I pro- [illegible] secure; and this to the end the scene of his [illegible] following parliaments. I doubt all the unne- [illegible] cient, or left undone to the compleating our se- [illegible] more in discourse, accuse them both of weakness and corruption: but they should consider that such a war was what never came afore into the hands of a parliament; the dangers [illegible] tract the greatest assembly. I shall be far from passing so hard a judgment on them: my [illegible] may never do otherwise; if they have com- [illegible] ambition is their glory; only out of zeal to their [illegible] made by others; and from myself take the li- [illegible] free by a happy peace, must make the nation [illegible] ments in the same age; the one as ineffectual [illegible] hands of Cavaliers and Churchmen: which makes men apt to conclude, the fault lies in [illegible]

[illegible] were the case, [illegible] [illegible] there [illegible] street. [illegible] We [illegible] there was [illegible] was from [illegible] places [illegible] — [illegible] parties [illegible] the close [illegible] were those no present [illegible] upon [illegible] to the commons; yet I [illegible] would not succeed, were [illegible] committed by [illegible] [illegible] wisdom.

I doubt not but some will think, and more [illegible] say, I [illegible] preface [illegible] — [illegible] One you think [illegible] take [illegible] that is [illegible] mend or pre[illegible] [illegible] and keep [illegible] [illegible] sons of lords, who [illegible] of prime, with [illegible] pockets, [illegible] at the nation's cost, [illegible] commoners. It is [illegible] against those whose [illegible] vered [illegible] foregoing parliament, [illegible] worst of [illegible] like [illegible] — [illegible] the brain. No matter what sort of [illegible] spare, whether the [illegible] projects [illegible] comets in the sky [illegible] ther the [illegible] ground, work like [illegible] [illegible] the [illegible] parliamentary slavery.

Nº XVI.

A Letter to a Country Gentleman,* setting forth the Cause of the Decay and Ruin of Trade. To which is annexed, A List of the Names of some Gentlemen who were Members of the last Parliament, and now are (or lately were), in public Employments. London, printed in 1698.

SIR, Yours I received, bearing date the third of the last month, by which I find you seem to [illegible] the [illegible] so great calamity as now it is; and desire me to give you some account, if possible, how, and by what means, all these evils have been brought upon the whole kingdom? Which I shall endeavour to do, in as brief a manner as I can, and, in order to it, shall relate to you [illegible] to judge, who it is have been the grand instru[illegible]

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* Harleian Miscellany, vol. viii. p. [illegible]

[illegible]

her favour ; for she never fails to bestow inva- [illegible]

[illegible]

them.

[illegible]

turn pirates.

[illegible]

to trade in general ; as little care was taken to [illegible] before the [illegible] of the Admiralty, &c. And [illegible] has been [illegible], and very detrimental to the government in general.

Art. 2. That the lords of the Admiralty and commissioners of the navy have often contrary to the public good, by countenancing, supporting, and preferring criminals; and on the contrary, persecuting the discoverers, and [illegible]

Art. 3. That their lordships have had great discoveries laid before them of embezzlements, [illegible]

Art. 4. That [illegible] the commissioners of the navy have, in that office, [illegible] estates, [illegible] waste of the public treasure.

Art. 5. That it has been a long practice [illegible] families.

The commissioners of the post-office appear [illegible] of the [illegible] all along supported their officers in all their [illegible] supporting a smuggling trade, by bringing in [illegible] quantities of Flanders lace,* &c. Being resolved, it seems, [illegible] so long as the war lasted. Withal, they were [illegible] such of their officers, or others, that detected the crimes.

All these matters relating to the foregoing [illegible] post-office, were long since published in print, by divers hands, wherein a more large and ample account has been given of them; and they were dedicated and presented to our late representatives [illegible] notice thereof, than if these things had been [illegible]

Moreover, there appears to have been laid [illegible] matters [illegible]

[illegible] getting into Brest: it having been declared by [illegible] the same [illegible]

Secondly, In relation to the Mint, it did appear [illegible] money abroad.

Thirdly, [illegible] barbarously treated, contrary to his majesty's [illegible]

[illegible] the commissioners of the Victualling-Office.

[illegible] being taken by the Dunkirkers; the house having [illegible] timely notice given them, whereby they might have prevented [illegible]

These, with a multitude of other matters, [illegible] late representatives, who took no manner of care to do the people justice:* indeed, the house appeared very zealous in the prosecution of Mr. Duncomb, who, as they alledged, [illegible] endorsement of exchequer bills; though, at the same time, it plainly appeared, the king and [illegible] treasury,† to the value of 20,000*l.* in relation to the exchequer bills. Yet, all they did, therein, was to take care how to wash them white [illegible] for an act to be made against the buying and selling [illegible] But, when once we

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[*] Indeed, these gentlemen have since been very instrumental in causing a late act to be [illegible] stores; and therein they have done wisely, [illegible]

[*] Sad it is to consider, how all complaints [illegible] stifled, for want of a committee of grievances, according to our ancient laws and customs, to [illegible] to hear the grievances of the people; which, it is plain, was not done all the time of the late war.

[†] The public treasure, in all ages and nations, has ever [illegible] the king's person; and those that have been found to purloin, waste, or mispend the same, have been severely chastised; and if it must be [illegible] professed atheist, we are obliged by the dictates [illegible] benefit of mankind in general. What ground of fear then can any man have, that lays open public crimes, [illegible] in a judicial manner? And, if the law, which [illegible] able to protect him, little reason can any man have to flatter himself of being secure, the public [illegible] maladministration of justice.

[illegible] were before. There is a matter, wherein it [illegible] it, was dissuaded from doing it, by a member of the house, who plainly told him, of all their [illegible] to have any regard to the welfare of the nation: [illegible] Now I conceive, it is obvious, by what means, and [illegible] from whence their evils have risen. These [illegible] have been brought upon us, by those very persons [illegible] liberties, and estates.

We [illegible] Zeruiah were too strong for him; no wonder then, if we see our prince‡ under the same circ[illegible] great interest they and their friends had in the several corporations, and how they were able [illegible] them to an account for their actions. It is evident, ours is a mixed government, wherein the people have a large share; and if we will not act our part, in reference to the chusing [illegible]

By this, we may see what a great duty there [illegible] withstood those who made a breach of the [illegible] happy Revolution, not at all considering, how mankind are generally more liable, and in [illegible] oppression, and injustice. And how in all [illegible] generally have been found too ready to abuse their prince's ear, and trample the laws under [illegible] mankind, so they may but advance themselves; [illegible]

Thus, sir, have I given you a short relation [illegible] as I conceive to have been the true cause, all [illegible] for want of justice, in a manner has been lost, like water spilt on the ground.

Our trade being in great measure ruined, [illegible] in danger of being involved in a new war, about the succession of Spain, in which (accord[illegible] gage: so you may see the fatal consequence [illegible] multitude to do evil. I am, sir, his majesty's

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* Vide England's Calamities discovered, sold [illegible]

† Those gentlemen, that have been in public [illegible] tected or publicly laid open their crimes, and [illegible] whereby to bring them to ruin; by which [illegible] have died through grief, and many others through grief and want; and who may all [illegible]

‡ Whatever Englishman duly considers, how [illegible]

* It is hoped the citizens of London and [illegible] several corporations; for it will be as they make [illegible]

faithful subject, a true lover of my country, and, your most humble servant,

London, July 16, 1698. G. W.

A List of the Names of some Gentlemen who were Members of the last Parliament, and now are, or lately were, in public Employment or Trust.

A

Sir Edward Askew, knt. Commissioner of the Prizes, Grantham, Lincolnshire.

Sir Matthew Andrews, knt. Gentleman of the King's Bed-chamber, and Master of Trinity House, Shaftesbury, Dorsetshire.

Matthew Aylmer, esq. a Flag Officer in the Fleet, Dover, Cinque Port.

B

The hon. Peregrine Bertie, Vice Chamberlain, Boston, Lincolnshire.

The hon. Hugh Boscawen, Governor of St. Mawes Castle, for County of Cornwall.

William Blathwait, esq. Secretary of War, one of the Commissioners of Trade, and one of the Clerks of the Council, Bath, Somersetshire.

Nathaniel Bond, the King's Serjeant at Law, Dorchester.

William Bridges, esq. Secretary to the Commissioners for Paper and Parchment, Liskeard, Cornwall.

John Burrard, esq. Governor of Hurst Castle, Lymington, Southampton.

John Burrington, esq. Commissioner of the Victualling, Okehampton, Devonshire.

Thomas Blofield, esq. Receiver-General of the Excise for the County of Norfolk, Norwich.

The hon. George Booth, esq. late Commissioner of the Customs, Bossiney, Cornwall.

The hon. Charles Bertie, esq. Treasurer of the Office of the Ordnance, Stamford, Lincolnshire.

C

The right hon. Lord Coningsby, late Lord Justice of Ireland, Leominster, Herefordshire.

John Conyers, esq. one of His Majesty's Council at Law, East Grinstead, Sussex.

Sir Robert Clayton, knt. late one of the Commissioners of the Customs, London.

Edward Clarke, esq. Commissioner of the Excise, Taunton, Somersetshire.

The hon. John Lord Cuts, Baron Gouran, Governor of the Isle of Wight, and Colonel of Foot, Cambridgeshire.

Sir Robert Cotton, knt. Post-master-General, Newport, Isle of Wight.

William Culliford, esq. Surveyor General of his Majesty's Customs, Corfe-Castle, Dorsetshire.

William Coward, esq. King's Serjeant at Law, Wells, Somersetshire.

William Cowper, esq. King's Council, Hertford.

D

Edward Dummer, esq. Surveyor of the Navy, Arundel, Sussex.

Thomas Done, esq. Auditor of the Imprest of the Exchequer.

Thomas Dore, esq. Lieutenant-Colonel to Col. Gibson's regiment, Lymington, Southampton.

Sir Robert Dashwood, knt. and bart. Commissioner of the Excise, Banbury, Oxfordshire.

Sir Ralph Delaval, late a Flag Officer in the Fleet, Great Bedwin, Wilts.

E

Sir Stephen Evans, knt. Commissioner of the Excise, and Commissioner for Wine-Licenses, Bridgeport, Dorsetshire.

Thomas Earle, esq. Major-General of the Army, Governor of Portsmouth, and Colonel of a Regiment of Foot, Wareham, Dorsetshire.

F

Sir Stephen Fox, knt. Lord of the Treasury, Westminster.

Sir Thomas Felton, Bart. Master of his Majesty's Houshold, Orford, Suffolk.

Sir William Forster, one of the Commissioners of the Green-cloth, Northumberland.

William Farrer, esq. one of the King's Council, Bedford.

The right hon. Viscount Fitzharding, a Teller in the Exchequer, Windsor, Berkshire.

Sir Thomas Frankland, bart. late Post-master-General, Heydon, Yorkshire.

The right hon. Lord Fairfax, Colonel of a Regiment of Dragoons, York.

Charles Fox, esq. Pay-master to the Army, Cricklade, Wiltshire.

G

Sir Henry Goodrick, Lieutenant-General of the Ordnance, Burrowbridge, Yorkshire.

John Gauntlet, esq. Clerk of the Signet, Wilton, Wilts.

Charles Godolphin, esq. Commissioner of the Customs, Helston, Cornwall.

Sir Rowland Gwyn, late Treasurer of the King's Chamber, Tiverton, Devonshire.

Francis Gardiner, esq. an Employ in the Mint at Norwich, Norwich.

The hon. Ralph Grey, esq. Auditor of the Exchequer, Berwick.

Sir Bevil Granville, Governor of Pendennis Castle, and Colonel of Foot, Fowey, Cornwall.

John Gibson, esq. Colonel of a Regiment of Foot, and Deputy-Governor of Portsmouth, Portsmouth.

H

The hon. Sir Robert Howard, knt. Auditor of the Exchequer, Castlerising, Norfolk.

Henry Havenningham, Lieut. of the Band of Pensioners, Dunwich, Suffolk.

Robert Henley, esq. Commissioner of the Customs, Lime-Regis, Dorsetshire.

Thomas Howard, esq. a Teller of the Exchequer, Bletchingley, Surrey.

Sir Joseph Herne, Patentee for Copper Halfpence, and Trustee for Circulating Exchequer-Bills, Dartmouth, Devonshire.

Sir Henry Hobart, bart. Commissioner of the Customs, County of Norfolk.

James Herbert, esq. Treasurer of the Prize Office, Ailesbury, Bucks.

[illegible]

Crown Office, Abingdon, Berkshire.

J

Sir Henry Johnson, knt. a great builder of [illegible]

Sir Jonathan Jennings, Commissioner of the [illegible]

[illegible]

John Knight, esq. late Auditor of the First-Fruits, Weymouth, Dorsetshire.

L

[illegible]

[illegible] the Tower, Carlisle, Cumberland.

[illegible] of the Treasury, Seaford a Cinque-Port.

Sir John Lowther, bart. for many years past Lord of the Admiralty, Cumberland.

M

Charles Montague, esq. Chancellor of the Exchequer, Under-Treasurer of the same, one of the Lords of the Treasury, &c. Westminster.

Sir Thomas Mompesson, knt. one of the [illegible] Wilts.

John Methuin, esq. Lord Chancellor of Ireland, Devizes, Wilts.

Christopher Montague, esq. Commissioner [illegible]

[illegible]

N

Thomas Neale, esq. Master of the Mint, and [illegible]

O

Foot Onslow, esq. Commissioner of the Ex-[illegible]

[illegible] Hull, Hull, Yorkshire.

P

Thomas Pitt, esq. Master in Chancery, Old Sarum, Wilts.

[illegible] Lewis, Sussex.

[illegible]

[illegible] Victualling, London.

R

[illegible] Dunwich, Suffolk.

The right hon. Lord Robert Russel, Clerk of the Pipe, Tavistock, Devonshire.

[illegible]

S

The right hon. John Smith, esq. Lord of the Treasury, Andover, Southampton.

[illegible] the Guards, Canterbury.

Sir Cloudsly Shovel, Admiral of the Blue, [illegible] Marine Regiment, Rochester, Kent.

[illegible]

The hon. James Stanley, esq. Groom of the [illegible] hold, and Colonel of Foot, County of Lancaster.

T

Sir William Trumball, knt. late Principal Se-[illegible]

Sir Thomas Trevor, knt. Attorney-General, [illegible]

[illegible]

Charles Trelawney, esq. a Major-General in the Army, and Colonel of a Regiment of Foot, East-Low, Cornwall.

Henry Trelawney, esq. a Colonel in the [illegible]

[illegible] Law, Sandwich, Kent.

V

The right hon. J. Vernon, esq. Principal Se-[illegible]

W

Sir Joseph Williamson, Keeper of the Records of State, Rochester, Kent.

Sir William Wogan, one of the King's Serjeants at Law, Haverford-West, Wales.

Richard Woolliston, esq. Receiver-General for the County of Hertford, Whitchurch, South-[illegible]

[illegible] the Prince of Denmark, Cricklade, Wilts, &c.

Nº XVII.

The History of the Kentish Petition, in 1701.*

[illegible] fact, who writes the story of yesterday: a his-[illegible] ries generally apologize for their quotations. [illegible] trifling circumstance.—If aggravations are [illegible] we have [illegible] and they ought to acknowledge it, since a great many rudenesses both against the king himself [illegible] animadverted upon.—And lest the world should [illegible] of that kind remark of Mr. J. How, finding the king's Letter to the house, and the Kentish Petition to come both on a day, and the substance [illegible] the king, and the Dutch, and the Kentish men were all in a plot against the house of commons.'—I could have swelled this pamphlet to a large volume if I should pretend to collect all the Billingsgate language of a certain house full of men, against the king, the lords, and the gentlemen of Kent; but it is a fitter subject for a satire than a history: they have abused the nation, and now are become a banter to themselves; and I leave them to consider of it, and reform.—I assure [illegible] hand to the Petition: though had I been acquainted with it, I would have gone a hundred miles to have signed it, and a hundred more to have had the opportunity of serving my country at the expence of an unjust confinement for it.—It may be fairly concluded, I am no Warwickshire man neither, with a Petition in my pocket brought a hundred miles, and afraid to deliver it. Nor my name sir Robert Clayton, by which you may know that I did not [illegible] enough, to use my interest to stifle a city petition. Nor is my name Legion, I wish it were, for I should have been glad to be capable of speaking so much truth, and so much to the [illegible] per.—But I am an unconcerned spectator, [illegible] every thing related, is as exactly true as the causes of it all are scandalous and burthensome [illegible] enter into their character, because I care not [illegible] commons can be a Jacobite, because they have [illegible] observed, that the Jacobites in Eng[illegible] health in all English company is, 'a la sante [illegible] there are not a few very good gentlemen in town can attest, from whence I think I may draw this observation, that either he is a Jacobite, or the Jacobites are a very good-na[illegible] of the treatment the gentlemen who presented [illegible] to come to a conclusion, whether the gentlemen Petitioners were well or ill used, is to review the matter of fact, all panegyrics and encomiums come short of the natural reflections which flow from a true Account of that Pro[illegible], that all the world may judge by a true light, and not to be imposed upon by partial and imperfect relations.

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* Somers' Tracts, 2 Col. vol. iv. p. 300.

[illegible]

On the [illegible] April 1701, the quarter sessions for the county of Kent, began at Maidstone, where William Colepeper [illegible] bourn, esq. was chosen chairman, though he was [illegible] the bench of justices proceeded to do business, and kept the chair for him, for several hours, [illegible] Kent, as well as [illegible] had expressed great dissatisfaction at the slow proceedings of the Parliament; and that the [illegible] abroad considered; and the country-people began to say to one another in their language, 'That they had sowed their corn, and the French were a coming to reap it;' And from hence it is allowed to proceed, that during the sitting of the session, several of the principal [illegible] the chairman aforesaid, and told him, it was their desire that the bench would consider of [illegible] acquaint them of the apprehensions of the people.

The Chairman replied, 'It was the proper [illegible] them to the said grand-jury who were then sitting.' The grand-jury being applied to, accepted the proposal, and [illegible] Mr. Colepeper, the chairman acquainted him that they had approved of such a motion [illegible] would join with them; the chairman told [illegible], which he did, and they immediately approved of it also, and desired the said Wm. Colepeper, esq. their chairman, to draw a Petition.—Mr. [illegible] drawn a Petition, it was read and approved, [illegible] grand jury, being [illegible] in number, who all at one-

[illegible] of the justices signed it, and the freeholders of [illegible] ment was filled up in less than five hours time; [illegible] it appears how foolish and groundless their [illegible] tition was a private thing transacted by a few people; whereas it is plain it was the act and [illegible] peper, esq.; Justinian Champneys, David Polhill, esq.; and Wm. Hamilton, esq.; offered [illegible] to sir Thomas Hales, in order to desire him to [illegible] representatives of the county of Kent; [illegible] would be a friend to it, but that he was unwilling to part with it, being intrusted with it by his country, adding, 'That he should make but an indifferent figure in the country, if the Peti[illegible] person whatever, but to Mr Pelham, and that he would return it to them immediately. But [illegible] as easily forgotten: for having got the Peti[illegible] stayed an hour and a half, and then returning, he gave it to the gentlemen; and told them he [illegible] ral others. This perfidious action to that very [illegible]

Mr. Colepeper, in the name of the rest, gave him an answer suitable to the action, and suf[illegible] gentleman-like usage, viz. 'That he had broke [illegible]

hours beyond his time, he adjourned them till [illegible] was then making a speech against it.

[illegible] the house was in such a ferment that none of [illegible] ing the Petition, but several members of the house pretending respect, and others that were [illegible] tition, telling them that Mr. How in particular had said, 'That if there were one hundred [illegible] mour added, 'That the whole country should [illegible] presented it, be confiscated to the use of the [illegible]

Although these menaces, together with the al[illegible] shake the resolution of a whole county, yet they [illegible] untry, and to present it to the house; and Mr. Wm. Colepeper in particular alluding to [illegible] them, 'That if every Tile upon the chapel of [illegible] Grievances to the parliament in a legal Peti[illegible] and deliver it themselves.' Mr. Meredith, [illegible]

The Petition [illegible] read, the gentle- [illegible] 'That [illegible] Petition [illegible] were [illegible] to the bar of the house, where Mr Speaker [illegible] tone, this [illegible] passed between them.

Speaker. Gentlemen, is this your Petition? [Holding up the Petition [illegible].]

Gentlemen. Yes, Mr Speaker. [Bowing very [illegible].]

Speaker. And, gentlemen, you own this Petition?

Gentlemen. Yes, Mr Speaker.

Speaker. And, gentlemen, your hands are to this Petition?

Gentlemen. Yes, Mr Speaker.

Speaker. [Turning to [illegible] the clerks] Carry it to them [illegible] they [illegible] own their hands. [Which they severally [illegible].]

Speaker. Withdraw, and expect the order of the house.

Whereupon they withdrew, and [illegible] represented [illegible] lawyers, *post facto*, [illegible] Mercy [illegible] methods which any arbitrary parliament [illegible] make use of; [illegible] those who have [illegible] before them. [illegible] some who pretended [illegible] for the most [illegible] of so many worthy gentlemen, came out of the [illegible] moment [illegible] to fly to the [illegible] house, that they were sent [illegible] Edward Seymour and the rest of the gentlemen [illegible] that side [illegible] Mr. How was now speaking, [illegible] some time, to [illegible] recollect themselves, [illegible] to save [illegible].

[illegible]

whatever Answer they gave might be misrepresented to the house, [illegible] they resolved to [illegible] having consulted a while they agreed to send [illegible] Answer.

'We are [illegible] of [illegible], that it is our Right to petition this [illegible] according to the Statute of [illegible] And [illegible] matter of our Petition, we declare that [illegible] nothing offensive to this honourable House.'

This Writing being shewn to sir Theodore Oglethorpe, and several other members, they began to smile, and [illegible] perceived, and [illegible] they were [illegible] began to be sensible of their danger, and [illegible] they [illegible] were [illegible] for what they had done they would [illegible] for the clemency of the house. [illegible] refused, one of the gentlemen with some heat replying, 'We will have [illegible].' Here the members [illegible] would [illegible] that they did it through inadvertency. This they [illegible] refused, [illegible] they did it at the request of their country, [illegible] they would [illegible] the Paper to sir Thomas [illegible] to [illegible].

[illegible] what [illegible] was given them by the messengers that the house had voted the Petition scandalous, insolent, and seditious, [illegible] the Votes] tending to destroy, &c. and ordered them to be taken into custody [illegible].

Upon which the gentlemen went [illegible] surrendered themselves to the Serjeant, though the warrant was not made out [illegible] hours after. The Serjeant [illegible] would [illegible] at dinner, [illegible] was agreed [illegible] at the Castle-tavern [illegible] street, where they dined on Thursday, Friday, and Saturday, and were [illegible] the Serjeant or his officers, and accompanied [illegible] great numbers of citizens and gentlemen of the first quality, and not a few of the nobility; the officers were seldom with them, [illegible] for them, [illegible] oftentimes were all absent together, so that there was no colour [illegible] for the Serjeant to say, he feared [illegible] they had all the opportunities they could desire, [illegible] it was [illegible] that they [illegible] would expose their [illegible] hazard [illegible].

On Friday in the evening, Mr. Serjeant began [illegible] expected [illegible].

able to his civility; upon this the gentlemen [illegible] it should be next day: The Serjeant neither [illegible] any dislike as if he thought it too little, but ap[illegible]

Saturday in the evening Mr. Thomas Colepeper [illegible] to return by Monday night; which the messenger [illegible] being met at the tavern, expecting the Serjeant [illegible] waited till 10 o'clock, instead of coming himself, he [illegible] rate the gentlemen, and confine them in several prisons, that very night; which order the officers [illegible] Mr. Wm. Colepeper and Mr. Justinian Champneys [illegible] senger, in Fox-Court in Holborn, where they [illegible] entrance, Whether they would lodge in the cellar or in the garret; and chusing the latter, they were thrust into a little hole on the top of the house, where they had all the inconveniences of a nasty prison, as base lodging, foul sheets, little covering, and a cold room; by which [illegible]

But Mr. Serjeant, lest they should not be treated ill enough, coming the next morning to Mr. Myat's house, was in a great rage at him, a[illegible] for 'using the gentlemen so civilly,' as he called it; afterwards coming up into the garret where Mr. Colepeper and Mr. Justinian Champneys were lodged, they asked him, What order he [illegible] order. Mr. Colepeper replied, 'If it be not a 'Vote of the house, pray how is it an order? [illegible] come to you, and given you direction to use us thus barbarously?' He replied, Yes, they had. [illegible] masters, the members of the house of commons, are exceedingly obliged to him. Mr. Colepeper told him, 'He believed he should live to see 'him hanged;' And so they parted.

[illegible] were put into a cellar, without the favour of having their choice, and had so vile a lodging that they could scarce breathe; and were likewise in their turn bullied by Mr. Serjeant the nex[illegible]

[illegible] he rudely replied, 'He cared not a fart for them, nor the law neither.' And so left them; [illegible] haps in a way of legal application.

On Tuesday he gave the house notice, that [illegible] cape, though he had a letter from him that he would be in town that very day; and at the same time he made a complaint that the other [illegible] that he apprehended a rescue; though the gen[illegible] them; for this keeper used them like gentle[illegible] serjeant; the one leaves a grateful acknowledgment in the mouths of all men, and will always be spoken of to his advantage; and the other, [illegible]

On Wednesday, Thomas Colepeper, esq. the [illegible] the Gatehouse a greater punishment, possibly [illegible] the hands of a villain, by his enemies them[illegible] surrendered himself, "The Legion Paper," as [illegible] said it was delivered the Speaker by a woman, [illegible] him off by force; it was reported, that Mr. [illegible] at all of it.

[illegible] terror into the party in the house, that from [illegible] the [illegible] Kentish Petition [illegible] the whole nation, that their own fears dictated [illegible] prorogation, the Kentish gentlemen were dis[illegible] side, at the charge of the citizens of London, [illegible]

Thursday, the 2d of July, they set out for [illegible] there was no shunning the appearance of the [illegible] Blackheath, where Mr. David Polhill, one of [illegible] his road lying near Bromley to his house at [illegible] his return among them: Nor can I omit, that [illegible] and discoursed with some of that party, while they were waiting for Mr. Polhill, I never heard of any gentleman more universally be[illegible] tinguished for modesty and temper; and I believe I may affirm that it would be hard to find any gentleman so near the city of London, [illegible] late his deliverance.—Mr. Polhill being come [illegible] giving them a loud huzza, wished them a good [illegible] ble demonstrations of joy concluded the day, [illegible] nation of king William, than at the return of [illegible] [illegible] by such a body of horse, that the principal inns [illegible] forward for Maidstone; the people of Maid[illegible] generally go to meet the judges, but a great [illegible] per, the mother of the gentleman, and several [illegible] while, A Colepeper, a Colepeper, and the poor strowing the ways with greens and flowers; and [illegible] universal acclamations of the people, as the like was never seen in that country since the [illegible] cluded with a great bonfire, and the healths of [illegible] are but very few in those parts; and to the [illegible] this the only appearance, for at Bearsted, [illegible] sembled, the bells rung, and several hundreds [illegible] of the Colepepers; but the extraordinary re[illegible] them so long, that it was too late to go on; so they lay at Maidstone that night, and the next [illegible] ple came particularly to pay their respects to [illegible]

[illegible] Maidstone, the grand-jury, consisting of very [illegible] peace, went in a body to the gentlemen, and publicly gave them thanks for their fidelity [illegible] the country's joy at the return of these honest [illegible]

[illegible] pected; it is true, the country being justly [illegible] did not spare their reflections, but I chuse to pass it over, because it is not parliaments in general, but the conspirators and Jacobite party in a parliament, that are at present the nation's [illegible]

[illegible]

Had this nation listened to the calls of their [illegible] confusion of councils had been prevented; had the people of England chosen men of honesty, [illegible] nothing before them but the benefit of their country, the safety of religion, and the interest of Europe, all this had been avoided; they [illegible] their country in a peaceable Petition; they would never have had the occasion to repent of their refusing to hearken to the voice of the people: But it is too late to look back, the [illegible] interest in Europe is too much in their hands.

All the advice I can pretend to give my [illegible] doing their duty; and withal, that to impose [illegible] of the hidden dangers which others have fallen [illegible] pretence, nor policy in it. It had no reason in [illegible]

And I am of the opinion, they are convinced [illegible]

The not proceeding against them afterward, [illegible] to have done, it was the most preposterous [illegible] tioning! it is nonsense in itself. God himself [illegible] contemptible beggar is permitted to be impor- [illegible]

[illegible] freeholders of a county, came, under the ex- [illegible] England was guilty of; and, with submission, I [illegible] be razed out of their journals, and never be made a precedent for the time to come; upon [illegible] the subjects petitioning, is a sufficient authority [illegible] call this an illegal act, must first trample down the authority of that act of parliament. Let [illegible] Englishmen for petitioning, is illegal, and a dishonour to English parliaments, 'Legion' Article 3rd.

[illegible] motion of the house, this was a factious thing contrived by a few private insignificant people [illegible] impertinent.—First, had it been a Petition of [illegible] were a freeholder of England, he had a legal [illegible] from whence the commons in parliament claim a freedom of speech, gives every commoner a [illegible] bates, and equal power in deputing them to sit there. But because this right unlimited [illegible] method how we shall do it, is circumscribed [illegible] so and so, and by such a number, and no more: but that it should not be lawful to petition, no tribunal, no court, no collective or re- [illegible] refused it; nay, the inquisition of Spain does not forbid it; the divan of the Turks allows it, and I believe if Satan himself kept his court in [illegible] trived by a few people, let the impartial rela- [illegible] unless I say such men are to be accounted [illegible] be true. To such I shall only say, that the [illegible] ancestors of these gentlemen were [illegible] of ancient parliaments, and of such parliaments as would have [illegible] such an absurdity, as to imprison the freeholders of England for a peaceable Petition.

As to the matter of the Petition, and which some people say was a banter, the turning their lov'd Ad[illegible]dresses of State. The gentlemen ought to have had liberty to explain themselves, which if they had done, I am of the opinion that it would have been to this purpose, that they thought it was proper 'the house should speedily supply the king so with [illegible] that he might be enabled to [illegible] our Protestant neighbours [illegible] encroachments of France;' and not to lose their time in addressing the king in matters of less moment.—I shall conclude with this short animadversion by way of remark, and let all men judge of the justness of the observation, 'That as this was the first time that ever the English nation petitioned to be taxed, so this was the first parliament that ever addressed the king to take care of himself, and defend himself against his people.'

ADDENDA.

Some book-learn'd fools pretend to find a flaw,
In our late [illegible] Votes for want of law,
And insolently say the Men of Kent
Were rudely handled by the parliament.
Knowledge of things would teach them every hour,
That law is but an Heathen word for power.
Might, right, force, justice, equity,
Are terms synonimous, and must agree,
[illegible] best confute,
Where power prevails, and no man dares dispute.
Nature has left this tincture in the blood,
That all men wou'd be tyrants if they cou'd,
Not kings alone, not ecclesiastic pride,
But parliaments, and all mankind beside.
All men, like Phaeton, would command the reins,
'Tis only want of power that restrains.
Then why should we think strange the parliament
The people's late Petitions shou'd resent.
[illegible] tyranny of power, when they
Who shou'd be ruin'd, grumble to obey.
And [illegible] to regain
[illegible] dare complain,
[illegible] first address [illegible]
[illegible] supplicate they [illegible],
[illegible] early [illegible],
They aim'd the consequences to prevent,
For well they knew that [illegible]
[illegible]
England has this one fate peculiar to her,
Never to want a Party to undo her,
The court, the king, the church, the parliament,
[illegible] the same [illegible],
[illegible] terms of liberty,
The passive injur'd People to betray:
And it has always been the People's fate,
[illegible] mistakes when 'twas too late,
Senseless of danger, sleepy and secure,
[illegible] distempers grew too strong to cure;
Till they're embrac'd by the approaching grave,
And none but Jove and miracles can save.
[illegible] venture to redeem
A People willinger to sink than swim:
If there's a Brutus in the nation found,
That dares Patrician usurpation wound,
He's sure to find an ignominious grave,
And perish by the People he would save.
Such are by virtue signaliz'd in vain,
We'll own the merit, but abuse the men.
[illegible] sav'd Rome, and was by Rome despis'd,
And many a Russel we have sacrific'd.
Then who for English freedom would appear,
Where lives of patriots are never dear,
And streams of generous blood flow unregarded there.
Posterity will be asham'd to own,
The actions we their ancestors have done,
When they for ancient precedents enquire,
And to the Journals of this age retire,
To see one tyrant banish'd from his home,
To see [illegible] traitors [illegible] the room
They'll blush to find the head beneath the tail,
And representing [illegible] prevail!
They'll be amaz'd to see there was but five, *
Whose courage could their liberty survive,
While we that durst illegal power dethrone,
Should basely be enslav'd by tyrants of our own.

No XVIII.

Jura Populi Anglicani: or the Subject's Right of Petitioning set forth, occasioned by the Case of the Kentish Petitioners With some Thoughts on the Reasons which induced those Gentlemen to petition: and of the Commons Right of Imprisoning. Printed in 1701.*

Nulla Veritas ullâ de re ita disertè cavere potest,
Ut malitiosa calliditas locum fraudi non inveniat.
Ulpian, Of the Laws of his Time.

What discouraged the Author in his work.—Imprisoning the Kentish Petitioners not the act of the whole House.—House of Commons not Representatives of the whole People of England.—Names of Whig and Tory considered.—Tory Party, that which governed in the House of Commons.—They [illegible] Tories, were formerly Whigs.—Their practices dangerous.—England has most reason to be apprehensive of the growing power of France.—

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* State Tracts published during the reign of William 3, vol. iii. p. 257. See Proceedings of the House of Commons, May 8, 1701.

The Kentish Petition.—The Presenters im- [illegible] *ple's Representatives have no Power above* [illegible] *of Commons an Invasion of our Legal Rights.—Their Power of Imprisonment extends only to their own Members.—Kentish Petitioners not imprisoned for any fact against Law.—House of Commons no Court.—Subject's Right of Pet*[illegible] *warranted by the Law of the Land.—Resolu*[illegible] *York.—Right of Petitioning why run down.—Col. Sidney's Opinion of a Parliament.—Lord Coke's Account of the old Constitution* [illegible] *Delegates.—The Reasons of the Petitioners in their so doing.—War violently opposed by the ruling part of the H— of C—.—Reflections upon it.*

IT is a melancholy reflection to consider how universal a dissatisfaction the management of the [illegible] who arraign their proceedings, there are none [illegible] article of impeachment against them: and the [illegible] free in saying, That the punishment of them [illegible] and sense, to give just grounds for all the jea- [illegible] ject, to use any artifices or false colours, to fo- [illegible] a duty which I owe the community, and to [illegible] be brought in upon us, if care be not taken to fence against such acts of power, and infringe- [illegible] could not but undertake, when I consider how [illegible] are entitled to by the law of nature, and municipal laws of this land; yet two considerations there are which did not a little discourage me [illegible] check to me to consider how invidious a thing [illegible] Representatives; and so far do they think [illegible] the whole people. He therefore that will be so [illegible] remove a prejudice which is enough to defeat his sincere endeavours to serve the public. The apology which I shall here make for myself, is [illegible] That he who uses a freedom in speaking against the proceedings of the house of commons, is [illegible] the whole house, much less the whole people of England. It is true, indeed, when a question is carried, though it be only by one voice, it is as much the act of the whole body, as to any force and operation in our constitution, as if it had the suffrages of every individual person. Will any one say that such a resolution, in the debates of men without doors, concerning its being reasonable or unreasonable, is as much to be reckoned the act of the whole body, as if it had the cheerful suffrages of them all? To speak a little more plainly, let us consider a question [illegible] equal on both sides. In this case, men reason- [illegible] either side of the question, cannot be said to be guilty of any offence, or utter any reflection against the people of England, or their Representatives, because they whose suffrages he condemns are no more than the other side whose proceedings he justifies. Afterwards, when such [illegible] Speaker, it must be owned that his voice makes it the act of the house: but what in reality does such a person do? does he any more than censure that one member of the house? or can his reflections reach any more of the people of [illegible] Representative? If in such a case the Speaker should happen to be a man of crooked designs, notorious for falseness and unsincerity, as well as other immoralities, and engaged in all the interests of a party, suspected and feared by far the greater part of the people; would it be pos- [illegible] as this? or ought he in justice or good sense to [illegible] reviles the people of England, who uses some freedom in speaking against a resolution which owed its sanction to such a corrupt voice? this [illegible] when they are carried by greater majorities. If a matter should happen to be pushed on by the violence of a faction, wherein the ringleaders are men whom the people have a long time [illegible] which they live; if the very fact itself carry in it very broad signs of evil intentions; if it be contrary to the natural rights of the people, and [illegible] house will be able to reconcile men to it: and if upon the account of its oppressiveness and [illegible] freedom in speaking against it, arraigns the jus[illegible]

[illegible] it was thought [illegible] Repre-[illegible] [illegible] Mr. H[illegible] Mr. H[illegible] tended earnestly for, could not but have the [illegible] with them, as if they thought it their both duty and interest so [illegible]

But though that was the act of the greater part, it was not of the whole house of commons. All those worthy and honourable members, who have always firmly adhered to his majesty's interest [illegible] given perpetual demonstrations of their enmity to [illegible] Kentish gentlemen petitioned for; were averse to this, as they were to other fatal proceedings, which yet they had not power to prevent. If then a great and honest party in the house, and in a manner the whole people without doors, except the Papists and Jacobites, inveigh against the imprisonment of those gentlemen, as a notorious infringement of the liberties of the people of England: this, I hope, will be a sufficient apology for me, and secure me from the censures of all those who are apt to call such an undertaking as this an impudent arraignment of the justice of the house of commons, and of the whole people of England.

By way of further justifying myself as to this particular, I must desire those people to consider that the house of commons are not the whole people of England's Representatives. It is very evident that the Representatives of the people are those to whom, when they entered [illegible] given up [illegible] they had in the state of nature, to punish offences against the law of nature, in prosecution of their own private judgment, and authorized to make laws for them, which are the rules to determine all the controversies, and redress the injuries that may happen to any member of the commonwealth. Thus the society, or, which is all one, the power legislative, are the only representatives of the people. The commons may be said to represent those freeholders, citizens and freemen who chose them: but what are they to the whole body of the people, who are represented in the political state, and are intitled to all the benefits and advantages of it? [illegible] those [illegible] run into, who violently contend for an extravagant power in the house of commons, because they think this is to assert the right of the people of England in the hands of their representatives.

It will be allowed me, I believe, in this favourable juncture, to say, that the lords, who [illegible] sense of the great bulk of the people of England, and have with great wisdom, temper and conduct, [illegible] the power to [illegible] [illegible] gerous a bottom, who have so violently and unreasonably contended for the power of the commons, and would derive all those advantages from them which flows from the whole constitution. The regard which the people of England have had for that state, which in a mistaken notion they called their representatives, [illegible] the balance of [illegible] grand enemy where he is to make his attacks, to subdue a people whom his arms cannot hurt. —[illegible] her own son when he fled from battle, and for-[illegible] of the people of England in that sense which [illegible] veneration for them, if they should quit the manifest interest of their country, and utter a [illegible] If any think they have done so in the matter now in debate, they will allow this to be some [illegible] There is, as I said, another consideration which [illegible] on this subject; that is, the censure which I shall incur of serving the designs of a party. [illegible] brought themselves under the suspicion of their country, have made use of to support their fac-[illegible] their management in other cases, so was it par-[illegible] the Kentish Petition was presented to the house. Sir E. S——r, to bring an odium upon it, and make it a party business, nibbled a little at a particular name, and was pleased to say it smelt of Forty-one. It [illegible]

Since I find what use is made of those old names [illegible] people are imposed upon [illegible] ced from the real interest of their country; before I discover of what party I am, which I [illegible] ought to be prejudiced against me, I will crave leave to [illegible] different significations they have borne, and examine whether those that make use of them to serve their cause, can justly apply them to the factions among us.—A Tory, if we consider the

A Whig, as he is described by a Tory, with

a popular government; when considered with

established; that he prefers the English constitution to any other in the world; that those

indeed a lover of the Dutch, as are all the peo-

Ed. Sey—r bring in a bill to prevent bribery.

grants or a Standing Army; or to find them, who discovered a plain inclination to quiet

ing France too much, than to see them assume the name of Tories. Is not R— H—a ring-

a church-party, in St. Stephen's chapel, as he does the Conven-cle every Lord's-day? Are not the F—s, W—tons, St. J—n, H—y of

of that leaven, members of this fraternity? It is

called a Tory party. Nothing sure but mere

not seem so great; whatever difference might

great agreement in their principles, and that

their loyal principles.

dent to preserve th[illegible] the ruin of this kingdom? Formerly Tories [illegible] king had no other occasion for them, but to [illegible] of commons, it was a deplorable thing that [illegible] men; and were the cause of all the calamities [illegible] of king Charles the Second, when that gentle- [illegible] seemed no less a prodigy in these kingdoms, to [illegible] done, and make it an article of impeachment against a great minister to take a grant from the crown, than to see a church-party, who have told us that the king is Christ's Vice- [illegible] which the crown has endowed the church, offer to destroy the king's right by bringing in a bill [illegible] vour to the king or the hierarchy, yet sir J. [illegible] thought a loyalist and true son of the church, be- [illegible] testants, I believe, concerned that it is ad- [illegible] our religion are, to another session of parliament: if it be the next session tacked to a [illegible] cured, as some people would have it, who now [illegible] ridicule.

I could heartily wish there were no other instances, but these I have here mentioned, of the ill treatment which both the monarchy and [illegible] the election of their representatives, who are in places of trust under the king? Have they [illegible] not a popular government, and a very intolerable one, where they have usurped the power [illegible] ishing contrary to law? Have not they usurped the power of the king both executive and le- [illegible] with a warm and extraordinary zeal in his and [illegible] sent, where he knew it would not only hurt many of his friends, but a very great number of [illegible] lords, by endeavouring to destroy their jurisdiction, by tying them to new rules and me- [illegible] with them, together with the bill, all the ill consequences that should attend the rejecting [illegible] on and incensed by them? Have they not been [illegible] their rights, by taking the execution of the [illegible] this session?

It [illegible] very extraordinary assurance that can make a party, which has not only thus [illegible] a constant clog upon the wheels of his go- [illegible] and brought in an arbitrary popular govern- [illegible] others turbulent, seditious republicans. If [illegible] prejudiced against his majesty's government; [illegible] Whigs have born a constant affection to the [illegible] possession of all his rights and prerogatives: if [illegible] line, Tories have not only discovered a perfect [illegible] clude it, but likewise framed that new Bill of [illegible]

in the prerogative; then it will be evident that [illegible]

or that the object they have placed it upon [illegible]

that has made them uneasy to the king, and [illegible]

James; here we find all those in a manner who [illegible]

rests; who is not one of this party: and as cer- [illegible]

applaud their proceedings, and own that they [illegible]

ment, or the true interest of England. This being the distinction of parties, I shall as cheerfully and readily acknowledge myself of a party, [illegible]

for us, and bring upon ourselves all the calami- [illegible]

danger lay; that they were the thieves, who [illegible]

same leaven; and a power claimed altogether [illegible]

shop over his synod; a power absurd in itself, [illegible]

of these unhappy differences are: They know [illegible]

ple, they have set things upon the largest and [illegible]

[illegible]

settlement of his dominions, has caused a gene- [illegible]

us; we must allow that no other nation (unless perhaps we except Holland) is more immedi- [illegible]

people of England are generally sensible of; and it is to this sense of their danger, and the suspicion they have entertained of a much [illegible]

a degree never before known in any age of our [illegible]

'We the gentlemen, justices of the peace, grand jury, and other freeholders at the ge- [illegible] this kingdom, and of all Europe; and considering that the fate of us and our posterity [illegible] tives in parliament, think ourselves bound in [illegible] house the consequence in this conjuncture, of your speedy resolutions, and most sincere endeavours to answer the great trust reposed in you by your country.—And in regard, that from the experience of all ages it is manifest no nation can be happy without union; [illegible] be able to create a misunderstanding between ourselves, or the least distrust of his majesty, whose great actions for this nation are writ [illegible] without the blackest ingratitude, be forgot. —We most humbly implore this honourable house to have regard to the voice of the people, that our religion and safety may be effectually provided for; that your loyal addresses may be turned into bills of supply, [illegible] pray God long to continue) may be enabled [illegible] late. And your petitioners shall ever pray &c.'

'Signed by all the deputy-lieutenants there present, above twenty justices of the peace, all the grand jury, and other freeholders then there.'

[illegible] neys, and Mr. Wm. Hamilton; for so I find all their names written in the votes, without [illegible] Resolution, 'That it was scandalous, insolent, and seditious, tending to destroy the constitution of parliament, and to subvert the established government of this realm.' The five gentlemen they ordered to be taken into the custody of the serjeant at arms. The [illegible] displeasure of the house; for when he acci- [illegible] demanding a copy of their commitment (which [illegible] the Habeas Corpus Act) and his refusing it, [illegible] honour of being a servant to the house of commons, can presume to make so bold with [illegible] of commons, and a warrant issued out from [illegible] they at the same time resolved upon an address [illegible]

The imprisoning of those gentlemen is the [illegible] necessary I consider these things: 1. What [illegible] 2. The subjects right of petitioning. 3. What [illegible]

First, I am to consider what power the

ing of the Kentish petitioners; yet the best way, I think, to enable us to make the truest

subject to the will of the house of commons.

petitioners had given no occasion for it. Great

amazement of all those who know the rights

manifest encroachments on the liberties and

ties are sufficiently provided for when in the

which they are intrusted with; I would desire

for shewing the letters which he received from sir Edw-rd Sey--r and Mr. Colson) and Mr.

in their confinement; and consider whether such severities are not sufficient to convince

people, than our laws and constitutions do

than that of a party? Do not we see how re-

tion? Is it fit then that in such a disorderly and

commons were allowed a power to restrain the

would (if it were free from the bias and influ-

intitles us to, it is impossible that a regard for

to the suffering. It is my business here to dis-

have secured the liberty and freedom of our

could not but abhor; those therefore that com-

restraint. This was our constitution in the time of the Saxon kings, and a long while after, till the 35th year of Hen. 3, who was the eighth king from the conquest: Because bailiffs would not render accounts to their lords, it was then

this law been a little unreasonable, it is no

Three reigns after this, 23 Edw. 3, 17, because

should be attached. Before these statutes, as I said, no man's body was subject to be taken

for liberty; so did the course and practice of the law afterwards fully shew how great a pu-

Before the reign of king James the first, it

which he was committed: The reason was, because they thought imprisonment a punishment a judgment.' And the Mirror of Justices, which was writ before this king's reign, where it reckons up the abuses of the common law *, tells us, 'That it is an abuse to hold an escape out of prison, or the breach of the gaol, to be a mortal offence; Forasmuch as one is warranted to do it by the law of nature.' And this cannot be wondered at, when we consider [illegible] great an evil imprisonment [illegible]d, and that it is in law called civil death: *Perdit domum, familiam, vicinos, patriam*; He loses his house, his family, his wife, his children, his neighbours, his country, and is condemned to [illegible] wretched [illegible] wicked [illegible]. For this reason it is that as a man, if he be threatened to be killed, may avoid a feofment †, gift of goods, &c. so it is, if he be threatened to be imprisoned, or kept in duress; that being reckoned to be a civil death, any speciality or obligation made by him is null in law: and he may avoid the [illegible] his speciality by pleading that it was made by duress.

As the common law has shewn a great regard, so [illegible] has the statute law of this kingdom [illegible] provided for the [illegible] of our persons. This is evident from many acts of parliament: The first I shall take notice of is the Grand Charter of the Liberties of England, first granted in the 17th year of king John, and renewed in the ninth year of Henry the third. By that charter it is provided, 'that no freeman shall be taken or imprisoned, unless it be by judgment of his peers, or by the law of the land [illegible], or by due process of law.' That this is the meaning of those words *per legem terræ*, or law of the land, [illegible] appears from [illegible] other statutes which expound these words. In 25 E. 3. c. 4. we find them thus explained in these words: "Whereas it is contained in the Great Charter [illegible], that no freeman be imprisoned, or put out of his freehold, nor of his franchise, nor free custom, unless it be by the law of the land, it is accorded, assented, and established, that from henceforth none shall be taken by petition or suggestion made to our lord the king, or to his council, unless it be by indictment or presentment of his good and lawful people, of the same neighbourhood where such deed was done, in due manner, or by process made by writ original at the common law; and that none be put out of his franchises or freehold, unless he be duly brought in to answer, and forejudged of the same by course of law; and if any thing be done against the same, it shall be redressed and holden for nought." The 28th of Edw. 3. is very direct to this purpose; there it is enacted, "That no man, of what estate or condition he be, shall be put out of his lands or tenements, nor taken nor imprisoned, &c. without he be brought in to answer by due process of law." 36 Edw. 3. Rot. Parl. Num. [illegible] Amongst the Petitions of the commons, one of them being translated out of French into English, is thus; "First, That the Great Charter and the Charter of the Forest, and other statutes made in his time, and the time of his progenitors, for the profit of him and his com[illegible], be well and firmly [illegible] in execution, without putting disturbance, or [illegible] contrary to them, by special command, or in any other." The answer to this Petition, which makes it an act of parliament, is, "Our lord the king, by the assent of the prelates, dukes, earls, barons, and the commonalty, hath ordained and established [illegible] and statutes [illegible] executed [illegible] the [illegible] arrest [illegible] statutes, by special [illegible]

I say, [illegible] in the Parl. Roll, [illegible] of great force as if it were printed; for the Parl. Roll is the true warrant of an act, and many are [illegible] of the books that are extant.

The 38 Ed. 3. Rot. Parl. Num. 80. explains it further; for there the petition is, "Whereas it is contained in the Grand Charter, and other Statutes, that none be taken or imprisoned by special command, without indictment or other due process to be made by law, yet [illegible] it hath been and still is, that many are hindered, taken and imprisoned without indictment, or other process to be made by the law upon them, as well of things done out of the [illegible], as [illegible] would therefore please our said lord to command those to be delivered which was so taken by special command, against the form of the charters and statutes aforesaid." The answer is, "the king is pleased, if any man find himself grieved, that he come and make his complaint, and right shall be done unto him. 37 E. 3, c. 18, [illegible] against the same, which saith, though it be contained in the Grand Charter, that no man be imprisoned, nor put out of his freehold without process of law; nevertheless divers people make false suggestions to the king himself, as well [illegible] as otherwise, whereat the king is often grieved, and divers in the realm put in damage, against the form of the said charter: wherefore it is ordained, that all they which make such suggestions, be sent with the suggestions before the chancellor, treasurer, and the grand council, and that they there find surety to pursue their suggestions, and incur the same pain that the other should have had, if he were attainted in case that their suggestions be found evil, and that then process of the law be made against them, without being taken and imprisoned against the form of the said charter and other statutes.' Here the law of the land in the Great Charter is explained to be process of the law.

From what I have here delivered, it appears what care both the common and statute law have taken of the liberty of our persons; that the former abhorred imprisonment, and never allowed it unless where men are guilty of force, and render themselves enemies to the community; and that the latter has frequently enjoined that it shall not be inflicted, unless by

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* Mirror of Justices, c. 5. sect. 1.

† 39 Hen. 1. 65. &c.

[illegible]

The second thing proposed; which was to en- [illegible] stitution? The laws are called (E. 6. f 36.) [illegible] inheritances, without which a man can have [illegible] well as the most ancient customs and laws of [illegible] 'That no freeman shall be taken or imprisoned [illegible] law that we know in this land. I know it will [illegible] are to understand not legal process, but the [illegible] that they in committing people, do not neces- [illegible] they have a power to imprison: but that is a [illegible] such a power is necessary within their society because without it it would be impossible to [illegible] great a body of men, engaged in so weighty [illegible] berty of their persons by Magna Charta; that [illegible] members of it. It must be confessed, that this [illegible] people of this land: but must observe, that if a liberty has been taken of confining those who [illegible] sons, or in their servants or estates, because such molestations, if allowed, might give them [illegible] the public; yet it must not from hence be in- [illegible] solute or unlimited power to imprison whom, and for what cause they please. If there are [illegible]

[illegible] to whom we owe allegiance, have left us ex- [illegible] Charta, and in such instances as are a sub- [illegible]

[illegible] notice of, as pertinent to my purpose. I shall mention only two, Mr. Paschal and Mr. Whit- [illegible] ing in his accounts after the manner prescribed [illegible] bail. After his confinement, his accounts [illegible] has printed his Case, and it is a very hard one; [illegible] do. But though he and others were guilty, it [illegible] manner is nevertheless an injury to the public. [illegible] manner? Either they claim such a power as [illegible] a power as the right of the commons of Eng- [illegible] persons. If they do claim such a power, they [illegible] ment on the power legislative: for where the commons are pleased to inflict such a punish- [illegible] mentioned in the statute, and was never de- [illegible] legislative. To create a new punishment, and superadd it to a law, may be allowed to be the act of a power equal to that which made it: and in the present case some may reckon it in some sense greater, since that addition makes it a law with a punishment *ex post facto*, which is a power inconsistent with the freedom of a people, and therefore is never made use of [illegible] *republicæ*: the laws are his, and the execu- [illegible] and those who derive their authority from him. [illegible] thing, by his laws, some may think that his [illegible] ruler of a brave and free people, a titular king [illegible] liberties of the kingdom, and such a one per- [illegible] while to consider, whether they can form to themselves any other notion of a state of free- [illegible] rule to walk by, but are subject to the mere will of one or more who claim a power [illegible] ference, that they who assume a power to punish a people who live under the direction of the laws, without a rule or law, destroy the [illegible] their freedom, and reduce them to a perfect [illegible]

Against what I have here said it is, I know, [illegible] Charta, and the common law of this land: Why [illegible] house of commons? The answer is very plain and easy: The former are officers appointed by [illegible] tice to his subjects, which it is impossible for [illegible] need of such a power, being called by the king [illegible] greatest moment and weight, to bear a part in [illegible] dressed; but not to redress them themselves, [illegible] sion, and are oppressive and injurious to the subject, there is a superior jurisdiction to ap- [illegible] our constitution is a very good reason against their having such a power; for the lord chief justice Hussey tells * us, that sir John Markham told Edward 4. that he could not arrest a man, either for treason or felony, as a subject might, because that if the king did wrong, the party [illegible] be farther urged, that as judges having a power to settle and determine property, is a reason why they should have a power to imprison, be- [illegible] *convenit*, is a maxim among the logicians, and is a good argument in the present case. If the [illegible] goods, then *à fortiori* not over our persons to [illegible] clear, and give the preference to the body. It is a rule in law, that *Corporalis injuria non recipit æstimationem è futuro*: so as if the question be not for a wrong to the person, the law [illegible] wards accept a remedy; for the law holds no damage a sufficient recompence for a wrong [illegible] which he hath in his custody, unless I will make unto him a bond, there I cannot avoid the [illegible] restrains my person, or threatens me with battery, or with burning my house, which is a pro- [illegible] of my enfranchisement; upon these menaces I shall avoid the bond by plea. So if a trespasser drive my beast over another man's ground, and I pursue to rescue it there, I am a trespasser to him on whose ground I am: But if a man assault my person, and I for my safety fly over [illegible] passer to him; for *quod quis in tuitione sui corporis fecerit, jure id fecisse existimetur*; what [illegible] oned to do it lawfully. Nay, which is more, [illegible] by the law could not maim his villain; nay, if [illegible] it, the villain should have his action of battery for it against him. If the lord made a lease for [illegible] tendered him to be a champion for him in a writ [illegible] those villains freemen. From all which it ap- [illegible] persons than estates; which, as I said, is a good argument why the house of commons, who [illegible] our other properties, should not have a power over the liberty of our persons.

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* 1 Hen. 7. Fol. 4.

[illegible] *omnibus nationum & regum temporibus, iisdem* [illegible] in the times of all the former kings, and the se- [illegible] assumed by the house of commons in executing laws, and imprisoning men, is a very new thing, [illegible] its beginning, when sir Ric——d Lev——g was [illegible] the session, for telling a friend some things that [illegible] missions, in their private conversation. This [illegible] breach of privilege than if he had spoken reflectingly of a member of parliament's horse, yet [illegible] strike a terror on people, and frighten them [illegible] had a mighty growth this session: and if it grow [illegible] constitution will come to in a very little time. Old ways are the best ways, is a saying that [illegible] house of commons: I could wish that it were [illegible] without seeing their designs, will make themselves parties in bringing insensibly a calamity [illegible] medy by any after-efforts. A very little reflection [illegible] people as possible, that they being enraged at [illegible] be the better inclined to run into another ex- [illegible] of the people throughout this kingdom, as we are [illegible] has carried on a great negotiation among us. [illegible] without a great deal of reason, that the conti- [illegible] truth of what has been reported. This is [illegible] speak in the language of a very experienced [illegible] a tyrannic slavery brought upon us by fellow-subjects at home. Tyrannic slavery did I [illegible] where the whole legislative only has a power [illegible] mitted, a part of it assumes a power to inflict one of the severest punishments; when a few [illegible] the people's liberties, bring the people under [illegible] freedom which is the fence to it; and so conclude that they have a will and design to take [illegible] imprisoning in the lower house, it is evident, I think, that if petitioning, as the Kentish gentle-[illegible] prisonment, yet it belonged not to them to in-[illegible] they did was strictly agreeable to law, this will make their commitment a greater viola-[illegible]

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* Discourse on the Public Revenues and [illegible]

The second thing proposed, 'the Subject's Right of Petitioning.' This right I take to be as large and ample a one, and what will as [illegible] nature, and a plainer dictate of reason, than [illegible] be allowed a liberty to approach those by peti-[illegible] to secure themselves in the state of nature, it is [illegible] of property, which is the end of government. [illegible] that people should have property, without which [illegible] entered into it. If men entered into society [illegible] to it, that (as a very learned and ingenious author tells us[*]) 'the supreme power cannot take from any man any part of his pro-[illegible]

[illegible] to pray for that which they have not a right to deprive them of? Wherever therefore any government is established, there the natural right [illegible] them a liberty to petition for what they think their right, because this is a privilege which [illegible] be seen in all the arbitrary governments of the world. In the Roman empire Julius Cæsar, [illegible] people to represent the hardships that were put upon them, and pray for redress. And in the reign of other princes who exercised a [illegible]

[illegible] land, who have lost as little by entering into society as any [illegible] ample a claim to it as any nation in the world. That they have a right to represent their sufferings, and pray for a relaxation of them, is [illegible] law, from what our kings have permitted and [illegible] tells[*] us, 'That it is lawful for any subject to petition the king for redress in an humble manner; for (says he) 'Access to the sovereign [illegible] distress.' This right was fully proved by the learned counsel at the trial of the seven bishops, and allowed by the judges. It was one of the [illegible] that they hindered the king from receiving and [illegible] that he issued out a proclamation and warrant [illegible] our undoubted right, so have our kings in all [illegible] and king Edw. 3. such petitions were frequent, [illegible] their grievances[†], and petition for a parliament. [illegible] have applied themselves to him by petition. King James 1, by a proclamation published in [illegible] noblemen and others of our kingdom of Ireland, [illegible] grace and favour.' And by another* proclamation he declares, that 'it was the Right of his Subjects to make their immediate Addresses to him by petition.' And in another† he tells his people, that 'his own, and the ears of his privy council did still continue open to the [illegible] liament, nor restrained to particular grievances.'

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[*] The author of Two Treatises of Government, p. [illegible]

[*] Wrenham's Case, vet. Mag. Chart. Exd. [illegible]

[†] Claus. 10 E. 2, M. 28, pro communitate [illegible]

[‡] Hist. Reformat. Part 1, p. 231. [illegible]

[illegible] lords who petitioned the king at York to call a parliament: and that king by his Declaration, [illegible] all his loving subjects, who have any just cause [illegible]

On the 27th Oct. 1680, it was resolved in the house of commons, nem. con. 'That it is [illegible] the calling and sitting of parliaments, and re[illegible] resolved, nem. con. 'That to traduce such Petitioning as a violation of duty, and to repre[illegible] antient legal constitution of this kingdom, and introducing arbitrary power‡.' On the Friday [illegible] examination of several witnesses at the bar thereof, upon the evidence against sir Francis [illegible] ments; it was resolved, 'That sir Francis Withins by promoting and presenting to his [illegible] and that he should receive his sentence upon [illegible]

[illegible] confirmed by the statute law of this land, particularly in an act made in the 13th of Charles 2, the enacting part of which I will here at large set down, because it is a plain declara[illegible] Petition now under our consideration. "Be [illegible] ting of hands, or other consent, of any persons [illegible] houses of parliament, for alteration of matters [illegible] in common-council assembled: and that no [illegible] petition, complaint, remonstrance, or declara[illegible] cessive numbers of people, not at any one time [illegible] incurring a penalty not exceeding the sum of 100*l.* in money, and three months imprison[illegible] thing therein contained, shall not be construed [illegible] continuance of the parliament, or to the king's majesty, [illegible]

[illegible] Levins observed in the Trial* of the seven [illegible] redressed. 2. That where it limits this power [illegible] more justices of the county, or by the mayor [illegible] of the county where the same matter shall [illegible] in London; it is only in a particular case [illegible] established by law in church or state. 3. That [illegible]

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* Proclam. dat. 10 July, 19 Jac.

† [illegible]

‡ See vol. iv. p. 1174.

[illegible]

* Trials of the Bishops, p. 121.

† Vid. the Resolutions of the Law. Coke [illegible]

[illegible] provided that the petition or address be not [illegible]

[illegible] curtail his natural right of petitioning) is a full [illegible] clared to be one. It is evident to any reader of the most ordinary capacity, that the Kentish [illegible] take a great deal of pains to justify all the pro- [illegible] not then illegal, and a notorious breach of the liberty of the subject, and setting up a dispens- [illegible] proceedings but a vote of the house, and to continue them in custody *sine die*? A late pamphleteer tells* us, that to say this is done by a single vote without other proceedings, is [illegible] does this scribbler mean? Were not those petitioners imprisoned by a vote of the house with- [illegible] dictment or legal process to try whether they [illegible] ment is the first step in order to future punish- [illegible] by law? Their judges in St. Stephen's chapel [illegible] were they not proceeded against? Why were [illegible]

From what I have already said in this discourse, [illegible] a power as they have used in imprisoning those [illegible] nation, a work which the Jacobites, the French [illegible] have been a great while very intent upon, and [illegible] Enemies exposed, and its true Friends and [illegible] it is to 'call evil good, and good evil,' to de- [illegible] better able to destroy. To give people a little [illegible] judgments he has made of men, I will only take [illegible] king a felonious conspiracy, a zealous patriot, [illegible] gentleman, a champion for liberty, and a true [illegible] terest; that they whose long experience in [illegible] designs in this, that tearing up our constitution [illegible] purposes destructive to the nation; that if we have a Porto Carero in the nation, it is he who has done his utmost to deliver us up to France, [illegible] power to seize us; that it is he (meaning L—d [illegible] spoken this, I should not wonder at it; he, we [illegible] did not blush to say openly in the house that [illegible] Versailles.

But to return from this digression to the [illegible] the subject has a right to Petition, yet justify [illegible] ble house, and prescribing rules to our legisla- [illegible] stitution of parliament, and to subvert the [illegible] I come to a particular examination of this Resolution, I must crave leave to make this remark upon it, that this very censure, and the [illegible]

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* England's Enemies exposed, and its true Fr[illegible]

structing petitioning for the sitting of this par[illegible]ject.' To which the house agreed, and it was [illegible] the committee should inquire into all such per[illegible] late Proclamation, stiled 'a Proclamation against tumultuous petitioning.' The grand [illegible] ordered that the two foremen of the said juries, [illegible] privilege, as they called this abhorrence of peti[illegible] The next day they voted that one Thomas H[illegible] table, for promoting a Petition, and procuring [illegible] upon the same account, whom they called 'betrayers of the Liberties of the Subject.'

[illegible] North, chief justice of the common-pleas, sir [illegible] fession of the attorney general before the house, [illegible] 'advising and assisting in drawing up and pass[illegible]titions.' Against sir Wm. Scroggs, and sir Thomas Jones, there were a great many com[illegible] the house, and Votes against them. One of the great complaints was, that when the grand [illegible] bench with a petition, which they desired the [illegible] justice said he would dispatch them presently; that they took it ill to have a petition offered to alter the king's mind contrary to his proclamation: that when there were several presentments against Papists* and other offenders, they discharged the grand jury four days before [illegible] before. This act they voted 'arbitrary, illegal, and a high misdemeanor,' several days be[illegible] Mr. baron Weston's great crimes was, that, in an extraordinary kind of charge given the as[illegible] Surrey) he inveighed very much against Farel, Luther, Calvin, and Zuinglius, condemning [illegible] against their princes minds: and then adding to this purpose,† 'Zuinglius set up his fanati[illegible]tion: and to speak truth, all his disciples are seasoned with such a sharpness of spirit, that it much concerns magistrates to keep a streight hand over them; and now they are restless [illegible] them but a parliament. For my part I know [illegible] all power centers in him. It is true, he does [illegible] representatives; and in faith he has wisdom [illegible] who have given us such late examples of their [illegible] come to this resolution, 'That the said expressions in the charge given by the said baron Weston, were a scandal to the Reformation, in [illegible] liament, and tending to raise discord between his majesty and his subjects.'

[illegible] wanted a parliament for. Upon a message [illegible] these several Resolutions following. "Resolved, 1. That it is the opinion of this house, that there is no security or safety for the protestant religion, the king's life, or the well constituted [illegible] without passing a bill for disabling James duke of York to inherit the imperial crown of England and Ireland, and the dominions and territories thereunto belonging: And to rely upon [illegible] bill, is not only insufficient but dangerous. 2. [illegible] assured this house of his readiness to concur in all other means for the preservation of the protestant religion ‡, this house doth declare, that

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* Among which there was a bill against the duke of York for not coming to church.

* We see the grand artifice then was to re[illegible]

† [illegible] in those days; but now, the king being chang[illegible] commons.

‡ For the better understanding of this place, [illegible] done before) to concur with them in any remedies for securing the protestant religion [illegible] cession in its due and legal course of descent. The commons in a long answer to this speech [illegible]

[illegible]

here.

[illegible]

for Bo—n to do, did he see these things, would [illegible] body: for after he had taken a great deal of pains, (as all the royal scribes of those times, and his religion did) in decrying fanaticism and republican principles, in crying up episcopacy [illegible] popery, which were running them into measures pernicious to the duke his master's interest; he saw, poor man, popery rampant, and a popish king in England; he saw the bishops, [illegible] glad to see them, in the Tower; and, which must be the greatest wonder of all to such a [illegible] a papist. It would therefore be now the less [illegible] in the house of commons for illegal and arbitrary imprisoning, as they were against that, [illegible]

Another complaint in the Declaration, and a reason given for dissolving those parliaments, is their 'strange illegal votes, declaring divers [illegible] in the Declaration are very well known, so is the crime for which they are declared, 'Ene- [illegible] Had they been less warm for him, they had perhaps been kinder to their religion and country. [illegible] made use of to support his interest. Such I may call this very Declaration, which though it was reckoned for very good* reasons, to be contrived by a great French minister, though it came not out under the great seal, and was only [illegible] Such I may reckon the addresses contrived and [illegible] mer abhorrers: wherein some† 'ascribe it to [illegible] 'old enemies of the monarchy* and the church.' Others,† 'That it is the kingdom's interest to [illegible] and take upon them to thank his majesty,‡ 'for his unalterable resolutions to preserve the crown in its due and legal course of descent; and undertake to sacrifice their lives to preserve the king's heirs and lawful successors:'|| and offer their lives and fortunes to his majesty's disposal for this purpose.' It must be astonishing as well as surprising in those days, that when petitions had been not only discountenanced, but [illegible] save a parliament have power to decide or de- [illegible] see a house of commons treat gentlemen so severely as this has done, for presenting a legal [illegible] petitioning; yet it must seem a little strange to [illegible] to secure the interest of a popish successor, im- [illegible] vided for, and that a king, who under God has preserved the Protestant religion, may be ena- [illegible] serve our religion and liberties. But if nothing of this be strange, is it not a little amazing to [illegible] king and kingdom, and addressed against to [illegible] any hearing of their defence? Were such votes [illegible] a king, who made it his rule to heap favours on [illegible]

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* The Declaration was not communicated to the privy council, till the 8th of April; but M. Barillon, the French ambassador, read it to a [illegible] him about it. The gallicisms speak it to be [illegible] a matter extremely sensible to us, a form of [illegible] Vid. Just and Modest Vindication of the Pro- [illegible]

* [illegible] party to their side, to make them believe there were evil designs against the monarchy and the church. That they may keep up a title to the [illegible]

† Address from the county of Somerset.

‡ Address from Cambridge, Rippon, western [illegible]

|| [illegible] Monmouth. [illegible]

a manner to comply with them in all their de- [illegible]

From what I have said it appears when, and [illegible] secured in a time of great and manifest danger: So were the abhorrences of those petitions [illegible] who consider, that those who have a concern for the Protestant religion, must apprehend at [illegible] that time; and that as it is of as great importance to the affairs of France to have him on [illegible] was; so count Tallard must be as industrious in taking measures to serve his master, as Mr Barillon was in those days: it must be a very melancholy reflection to them, to think how [illegible] now is from what it was then; and to see the [illegible] court measures which, I am afraid, have not [illegible] designs themselves, do, I know, judge those [illegible] that in the treatment of the Kentish Petition- [illegible] Tallard, and, by striking a terror, to prevent the people from running universally into petitions and addresses, and conjuring up a spirit in the [illegible] master's affairs. It is true indeed, they do and [illegible] verity of their proceedings: That when the law [illegible] petition the parliament, they should place such an affront on the county of Kent (I should say [illegible] their delegates after the manner they did. If [illegible] punishment than imprisonment do? If any of [illegible] to do the same? If there was any thing in the petition which the house thought a reflection, [illegible] that they were sorry for presenting the Petition, [illegible] offence was, calling their addresses loyal. If [illegible] confess to think it a jeer, and at the same time [illegible] tually: the methods then that they made use [illegible] themselves. The censure of the commons is very severe, they tell us the Petition is 'scandalous, insolent, seditious, tending to destroy [illegible] harshness of the expressions, a man would think that this petition were an address to a king, or a remonstrance that charged him with a felonious conspiracy, or making a treaty in its own nature [illegible] so considerable a branch in the English nation [illegible] formerly called) to take care of the business they entrusted them with? How can it be sedi- [illegible] zeal for the king, to pray that he may be enabled to assist his allies, and that 'God may long continue his propitious and unblemished [illegible] constitution of parliament, and subvert the es- [illegible] of those enemies who will certainly destroy the [illegible] tablished government of this realm? The last [illegible] observed before) 'That to traduce petitioning as a violation of duty, and to represent it to his [illegible] tray the liberty of the subject, and contributes [illegible] constitution of this kingdom, and introducing arbitrary power.' This parliament resolves, that [illegible] tition should both tend to subvert the constitution. If it be the undoubted right of the sub- [illegible] which of the two resolutions is rightest; and if we compare the former inclinations of a party [illegible]

But it is said, that there is something particular in the petition which justifies this resolution; [illegible] tells them what they shall do; this, they say, is insolent, and 'tends to destroy the constitution [illegible] government of this realm.' Very strange! can any man, or body of men, offer a petition to others, that is not liable to the same censure? [illegible] think themselves aggrieved? Does not their [illegible] grand jury, justices of the peace, and free- [illegible] this realm,' is to me very difficult to conceive. [illegible] carried authority and power in it; had they pretended to a right to command the house of [illegible] I cannot see how even such an assuming ad- [illegible] the people, who would never justify such an usurped authority.

An usurped authority I call it, and must subscribe to that, as what I take to be very mode- [illegible] says in that discourse which cost him his life;* 'I believe,' says he, 'that the powers of every county, city and borough of England, are regu- [illegible] every county does not make a distinct body, having in itself a sovereign power, but is a [illegible] Kent or Sussex, Lewis or Maidstone, but for [illegible] those places are sent to serve in parliament. And though it be fit for them as friends and [illegible] their judgments; and to the end that what [illegible] every one is known not to speak his own [illegible] men; yet they are not strictly and properly [illegible] cerned in their resolutions, could be assembled [illegible] to which they are subject, if they betray their trust, is scorn, infamy, hatred, and an assu- [illegible] seek the same honour.' But though a part of the freeholders of England cannot impose their [illegible] grievance; nor can I see how the doing this can tend to destroy the constitution of parliament. The meaning of those who tell us that it does, must be this, that some people's com- [illegible] from all parts of the kingdom. What if it [illegible] bids the people to address, or give any instructions to their delegates, the doing so must be owned to be against law; but it is not a trespass, which (to speak in the phrase of a certain patriot) can pull up our constitution by the roots. But we are told, that by the constitution of our parliament, the members are left to the freedom of their own debates, and are to act without controul; they therefore who take upon them to intermeddle in their business, invade that freedom, and consequently our constitution.

They who tell us that the representatives of the freemen of England have such a freedom as [illegible] sure mean that they have delegated their whole [illegible] them. It is not to be supposed that he who [illegible] fer him to do what he pleases. The knights, [illegible] England to serve in parliament, have a trust reposed in them; which if they should manifestly betray, the people, in whom the power is [illegible] must have a right to help and preserve themselves. Were not this so, the condition of those who act by delegates would be worse, and [illegible] which I think is not so in the reckoning of [illegible] sers and Grisons do, transact all things relating [illegible] power in their own hands. These all, as the above named honourable author* observes, were equally free. But it would, I think, be very improper to reckon them so, unless we [illegible] trustees remained still in them.

[illegible] that the delegates reckon themselves obliged to [illegible] is evident from the practice of other countries, [illegible] that of England. The deputies or procura- [illegible] from giving the supplies he desired, because they had received no orders* in that particular [illegible]

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* Discourses concerning Government, [illegible]

* [illegible] Government, p. 101.

[illegible] quently done during the reigns of that great [illegible]

[illegible] deputy† for the third estate of Vermandois, by [illegible]

[illegible] same custom is still used in the lesser assemblies [illegible]

[illegible] same method is every day practised in the diets of Germany: the princes and great lords, who [illegible] what they please; but the deputies of the cities [illegible]

[illegible] 'in the writs to the sheriffs for the election of [illegible]

[illegible] some weighty affairs that concerned himself, [illegible]

[illegible] fairs: that for want of such a power, and by [illegible]

[illegible] consider what they thought convenient to have [illegible]

[illegible] parliament, which in ancient time,' says‖ he, 'was shewed in the chamber *de peint*, or St. [illegible]

[illegible] respective countries timely information of it, [illegible]

[illegible] great sage of the law tells us in another place. [illegible] behalf,' says§ he, 'the commons may answer, [illegible]

That tendered the king's estate, and they are [illegible]

[illegible] a number of gentlemen as those of the county [illegible]

[illegible] selves, must be allowed a liberty to let them [illegible]

[illegible] necessities of the public. In such a case it is [illegible] ances together; some therefore must begin, [illegible]

[illegible] whole. It was impossible that such a consti- [illegible] tutioners, should conspire together to affront the house of commons; they knew what they did [illegible]

[illegible] therefore what they did was a duty which they [illegible]

[illegible] in a very dangerous and melancholy posture. [illegible] at the universal monarchy: that as she has [illegible] calculated for such great designs; so by her carrying on a ten years war, against the power- [illegible]

[illegible] with the union of no less a power, than that [illegible] here, that France would be in no better con- [illegible] [illegible] [illegible] [illegible] men delivered that petition. They saw that the Milanese was delivered up to her; that [illegible] which we have a long time reckoned the bul- [illegible] [illegible] [illegible] [illegible] [illegible]

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* Vida de Carlos 5° de Sandoval.

† Hist. Thuan.

‡ 2d Instit. fol. 9, 10.

‖ 2d Instit. fol. 8.

§ 2d Instit. fol. 14.

Besides this, they saw how great a breach [illegible] the beginning of the last age: that the king- [illegible] Protestant, is now entirely Popish: that in Po- [illegible] who were a moiety of the people, are utterly destroyed: that their destruction is almost compleated in Hungary: that the Newburghers [illegible] enemies of the Protestant religion: that the Pa- [illegible] [illegible] able to succour them, that they are in danger from their own prince: that in France, where [illegible] great civil wars; and in Piedmont, where their numbers were much greater in proportion to [illegible] [illegible] they were very numerous, their religion is totally extinguished. All this was a very melancholy view; and that which made it more so, [illegible] gard to her own interest, the greatest and in- [illegible] obliged by all means possible to destroy the [illegible] dation on which she built her hopes of universal monarchy) was now in a new friendship and alliance with the fiercest zealots of the Church [illegible] [illegible] not gratify more, than by contriving severer [illegible]

In such a juncture as this, it was easy for a very weak capacity to see what it imported England to do in order to secure her own and Europe's liberties, and to prevent the utter ex- [illegible] home and abroad. It was evident that France, [illegible] [illegible] chy, but only to confirm herself in the dominions of Spain; and as evident it was that [illegible] [illegible] ously, so that in a little time it must be insup- [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] secured, and by what governors; to make the best provision that was possible for defending Milan; and (which has [illegible] ambition) to get into a quiet possession of all [illegible] [illegible] [illegible] Whilst those who a long time checked her growing greatness, patiently endured this new union of power; what could the other nations [illegible] [illegible] that France had acquired such power, or a de- [illegible] again? The natural consequence of either reflection must be to resolve that it was their in- [illegible] court to a power which was likely to meet with [illegible] niards, and the people of their provinces, tame- [illegible] [illegible] nions: it was this made other states enter into neutralities and alliances, which they would have refused, had not the quiet and peaceable conduct of others governed their inclinations. Having once fixed their resolutions, it is to be feared we shall find them adhere too obstinate- [illegible] [illegible] [illegible] steady to the side they have chosen, even interest may help to do it now; for the nations [illegible] their thoughts, and let their heads run upon [illegible]

[illegible] [illegible] [illegible] of the world were all fixed upon England. It [illegible] she only having it now in her power to deter- [illegible] [illegible] and take their measures from her. None [illegible] into a firm league with the Emperor and Holland, it would have presently produced a confederacy strong enough to humble France, which was grasping at things much beyond the [illegible] [illegible] [illegible] edly the business of English ministers to advise the calling of a parliament, immediately [illegible] [illegible] Alliances. Had this been done, Portugal [illegible] [illegible] self a party in establishing the throne of the [illegible] [illegible] his title to Portugal. The duke of Savoy then would have considered, that it was by means [illegible]

[illegible]

Corsi, the extension of the Regale, the [illegible]

to do it. Nor is it improbable that the republic of Venice would do the same; she could [illegible] neighbourhood of France proved so fatal to her in the small number of years that Lewis [illegible] greater extremities than any other war, even that of the Turks, ever did. A consideration [illegible] though the vast power of the house of Austria under the emperor Charles 5, might have given her just grounds of jealousy, she would never lend her ear to any proposition of [illegible] been upon a right foot in England, it is very [illegible] remembered the obligations laid upon them, at least their own interest; and that the former [illegible] the war much easier than it will be. In that case the people of Spain, and their provinces, would, if they did no more, keep up their old resentments against France, which in a conve- [illegible] the confederates. The Germans would con- [illegible] Spanish dominions, carry his arms into Ger- [illegible] and challenge all the states which compose [illegible] France have already declared themselves heirs. [illegible] seems very lately to have done) would consider [illegible] no more colleges, nor diets, nor chapters. [illegible] others, that it is a vain thing to dispute about [illegible] folly, if they had taken those measures which [illegible]

[illegible] vided for, and that his majesty by supplies [illegible] for war; there was scarce any so weak as that [illegible] made for our religion or safety without it. It [illegible] a while settled in her new dominions, would [illegible]

The French party indeed told us, and (which among other things occasioned some reflec- [illegible] to be of their opinion, that our security might be sufficiently provided for by a good fleet. It was a very fond opinion to imagine that we, [illegible] been favourable to us, should be able, after [illegible] of the Dutch, to maintain a fleet big enough to secure us from a power so exorbitant as that of France would then be. A powerful fleet [illegible] weak people; but men of understanding must allow this to be a very uncertain security. [illegible] which the parliament for a long time seemed inclined to allow us.

[illegible] to have the least tendency to a war, was [illegible] religion, and the peace of Europe. We can- [illegible] carried by 181 against 163; and that the [illegible] was plainly declaring for a war. Here it was [illegible] no possible means to preserve us but by a [illegible] the representatives of the freemen of England, [illegible] were every where industrious and noisy in decrying a war, and setting forth the inconve- [illegible] choicest reflection of all, was to find that those [illegible]

These spoke their minds freely upon that [illegible] friends; and the saying of one gentleman in a [illegible] minister, ought to be remembered: what their [illegible] told us before the parliament sat; the manner of his expressing it speaks it to be published with their allowance, and those who know his con- [illegible] cline entering upon immediate action; it is not that they doubt themselves, or dread the [illegible] to France is buried in oblivion. They are not so apprehensive of coping with any foreign [illegible] pelled to enter into fresh conflicts with the [illegible] subdued, &c. Their ears can never endure the cries of the poor for want of work, &c.* It is a monstrous tenderness and compassion, [illegible] slavery display their banners in this land, than to behold the calamities which a new war must bring upon their country. If he can see [illegible] sees things in quite another light than what [illegible] think he thought but slightly of the calamities of a war, when he tells us, that one of the greatest things to be dreaded in it is, that it will bring those men into play again, who never gave us the least suspicion of their being in any other interest than that of their country. It is very easy to perceive what his designs are, both in running down those men, and labouring to give us a dismal idea of a war: but he [illegible] him to be plainly for a war. It was cunning [illegible] under the rage of an injured nation; and it was policy to grant him a dispensation to do [illegible] times to write for a war, but (which shewed [illegible] 161: he ought indeed, he said, to do otherwise, but Ja—k H—w smiled so pleasantly upon him, that he could not divide against him. When he speaks for a war, it is very [illegible] destroy the force of what he said; in one place he tells us *, "That we can reap little from a war, but the perils and losses with [illegible] afraid 'such a debt will be at last contracted,' and most of it abroad, as in time must im- [illegible] we do? Why, all Englishmen ought seriously to consider this reflection which Machiavel makes, That when a prince or commonwealth [illegible] neighbour, prince, or people, dares venture to [illegible] all probability, says he, the French are now [illegible] very miserable condition. But hold, he shews [illegible] to make their young prince become a good Spaniard; if they can divide him from French counsels—if the quiet reception he is like to find, make French counsels, and French sup- [illegible] under, but are there any hopes that it will be so? Yes, sure, very great; he gives us promising hopes of his person, and that a martial [illegible] ately been, to oppose France in any attempts it may hereafter make upon the liberties of [illegible]

O wonderful contrivance to serve his masters, [illegible] of war! Could he expect to do it by such little fetches as these, to scare a great and warlike people with his paltry representations of the power of France, or to lull a wise nation asleep with such a silly prospect of security? Yet this [illegible] ministers, and every thing he has a mind to re- [illegible] holds and fortresses of our religion and liberties. This is he that is caressed by the great men of our own court; this is he that is employed to teach young gentlemen the business of the nation; who is to tell them in print a little before the session begins, what they are [illegible] that the weighty affairs of the kingdom must be [illegible] wisdom from such a wretch as this, in charity we ought to pray for them, in the language of our Saviour, forgive them, for they know not [illegible] Lord have mercy upon us. If he, who in times [illegible] Tallard, and given very great demonstrations of [illegible] courted likewise by a party, and besides all [illegible] of being made the leader of the blind; it is easy to see what in a short time must be our doom: that between the management and conduct of [illegible] standing, we must fall under the dominion of [illegible] would be the effect of the measures taken by [illegible] tion. To descend to the particulars of their [illegible] so universal censure and displeasure of the peo- [illegible] raise this little discourse to a much greater bulk than I designed. My intention is only to shew, that the gentlemen had reasons to offer the [illegible] offence, I must desire my reader to rest satisfied with my mentioning them. Matters that are nicer, and will not so well bear touching, I leave to be handled by men of more pene- [illegible] for the public are greater perhaps than mine are. If those petitioners were really persuaded [illegible] nagement of public affairs, it was a sufficient reason for them to endeavour by such a petition, either to make the ho—se of com—s take other measures, or to dispose the other parts [illegible] of the five gentlemen said in a very public place, some weeks before the petition was offered, to sir Fr—cis Ch—ld, a member of [illegible] house of c——s to serve the French king. It [illegible] be suspected, words which the other called seditious, if he had not reckoned it a service he owed his country, in a very great and dan- [illegible] what a gentleman told sir Ed—rd Sey—r in [illegible] run very high, and there must sure be good [illegible] in a very august assembly, just two days after [illegible]

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* Essays upon Balance of Power, &c. page [illegible]

* Ibid, p. 77. † Ibid, p. 87. ‡ Ibid, p. 72.

Those gentlemen saw, as I observed before, [illegible] all possible endeavours to drive people from the thoughts of war. This those gentlemen, [illegible] in a little time we must be content with what [illegible] their sense of things, it was a sufficient reason [illegible] them in their zeal, and virtuous concern for the public! Now is the time for Englishmen to [illegible] France plainly designs the universal monarchy: it is war only can determine, whether she shall have it or no. If she prevail, our fate is manifest; we must come under [illegible] ranny. If she miscarry, the misery and de- [illegible] not only continue in possession of her religion and liberties, but become the greatest nation [illegible] depends upon our management now. It is plain, that without a war we are undone, so [illegible] nagement of public affairs, should happen to be in the interest of the abdicated family, or common enemy, or should be under the old [illegible] them; this makes it absolutely necessary, that [illegible] umbrage to the nation; when they were thought (as far as it was possible for them to venture, without plainly discovering themselves, [illegible] France could desire to have done. If their [illegible] a great and flourishing kingdom.

No XIX.

A General Abstract of the RECEIPTS and ISSUES of the PUBLIC REVENUE, TAXES, and LOANS, during the Reign of his late Majesty King William; that is to say, from the 5th of November 1688, from which Time the Parliament appointed the said Accounts should commence, to the 25th of March 1702; being the first Determination of the Accounts after the Demise of His said late Majesty; which happened on the 8th of March preceding.

RECEIPTS.

Customs.	£.	s.	d.
Customs [illegible]	[illegible]	1	6
[illegible]	[illegible]	[illegible]	[illegible]
Impositions [illegible] 1690	[illegible]	2	[illegible]
Ditto on Tobacco and Sugar	1,374,232	17	8½
[illegible]	[illegible]	[illegible]	7
[illegible]	1,[illegible],900	[illegible]	
[illegible] 1st March 1692 [illegible]			
[illegible]	[illegible],120	[illegible]	
New Duty [illegible]			
of Irish Transports	105,203	11	8½
[illegible]	[illegible]	7	
[illegible] 1696	[illegible]	16	
Duty on Coals taken off 17th May 1696	22,004	19	3
[illegible] Coal Act	7,[illegible]	[illegible]	0
25 per Cent. French Goods	161,349	9	2
[illegible] 1693	[illegible]	0	1
5s. per Tun French Ships, granted 12 Car. II.	1,908	7	8
2s. per Pound East-India Silks	19,140	5	5
Plantation Duty, granted 25th Ch. II.	4,708	16	2
[illegible] 1696	1,[illegible]00	0	0
[illegible] three quarters	164,[illegible]	[illegible]	[illegible]
[illegible] 1690, and His Majesty's Life	631,[illegible]	11	[illegible]
Cinders 5s. per Chaldron	1,221	0	9½
[illegible] granted 11 and 12 William	116,767	15	6
£	[illegible]	14	6

Excise.	£.	s.	d.
Hereditary and Temporary Excise Neat	5,918,887	17	4¼
[illegible] 1690	[illegible]	17	6
[illegible] 1691	61[illegible],[illegible]91	3	[illegible]
[illegible] appropriated	[illegible]	[illegible]	[illegible]
[illegible]			
[illegible]	1,732,197	15	3
[illegible]			
Barrel thence to the 17th November 1692	381,080	5	9½
[illegible] 1693	1,2[illegible],727	17	[illegible]
[illegible]			
[illegible] granted [illegible] 10 William			
for 8 Years, from 10th July 1698	436,724	3	0¼
[illegible] 17th [illegible] thence			
for 16 Years	644,396	14	6
[illegible] 7 [illegible] and An-			
[illegible] Tonnage	[illegible]	5	[illegible]
[illegible]	9[illegible]	[illegible]	[illegible]
[illegible] March [illegible]	[illegible]	16	[illegible]
[illegible] India Company [illegible] and			
[illegible]	[illegible] 171	12	9

[illegible]			
[illegible]			
[illegible]			
[illegible]			
[illegible]			
	£.13,649,328	0	3¼

[illegible]

[illegible]			
[illegible]			
[illegible]			
	£ 2,308,597	7	8½

LAND TAXES.

Present Aid or Six Months Tax for 1689	4,914	7	3
[illegible]	[illegible]		
2s. Aid for 1690	1,015,732	2	7
Additional 12d. for 1690	507,866	0	8¼
First Twelve Months Aid for 1691	1,613,747	9	1
Second ditto for 1692	1,613,874	13	5
First 4s. Aid for 1693	1,922,712	19	[illegible]
Second ditto for 1694	1,913,488	16	4½
Third ditto for 1695	1,860,039	10	2
Fourth ditto for 1696	1,736,248	1	10¼
3s. Aid for 1697	1,244,789	4	0
Additional 12d. for 1697	418,646	10	11
[illegible]	[illegible]		
Third 3s. Aid for the same Sum for 1699	1,431,771	6	8½
Second 2s. Aid for 989,965*l.* 19*s.* 6*d.* for 1700	951,066	6	5
1-3rd and 2-3rds of fourth 3s. Aid	859,051	15	2¼
	£.19,174,059	8	3¼

[illegible]

[illegible]	298,438	2	1¾
[illegible]	28,059	7	1
[illegible]	239,958	7	11¼
First Quarterly Poll for 1692			
R[illegible]	6,[illegible]08	4	0
[illegible]	486,321	2	2¼
Capitation for 1697			
Third Quarterly Poll for 1698			
	£.2,557,619	7	7¼

[illegible]

[illegible]			
[illegible]	159,173		
[illegible]			
[illegible]			
[illegible]			
[illegible]			
New Duties on ditto for two Years, from the 1st of March 1698			
[illegible]			
[illegible]			
On Annuities for 1691 for 1, 2, and 3 Lives for 300,000*l.*			
[illegible] ending 1st May 1700			
Subscriptions to the National Land Bank			
Duties on Houses or Windows			
Money or Plate at 6s. an Ounce for Malt Lottery Tickets			
[illegible]			

[illegible] RECEIPTS.	£	s.	d.
[illegible] for the East India Company	153,487	11	5¾
[illegible]	[illegible]	[illegible]	[illegible]
[illegible] 1st Aug [illegible]	[illegible]	[illegible]	[illegible]
[illegible] in several Years	581,750	15	0
Duties on Glass and Earthern Ware	15,732	1	7
Licences to Hawkers and Pedlars	26,513	15	1
[illegible] May 170[illegible] to 1st August 1700	17,425	16	2¾
	£. 7,531,305	18	11¾

[illegible] Receipts.	£	s.	d.
Letter Money overpaid in 1696	102	16	5
[illegible]	89,6[illegible]	[illegible]	6¾
[illegible] Years placed with said Branches	42,658	10	1
Tellers Malt Benefits in 1698	1,715	0	0
Imprest repaid in 1696 and 1699	162,036	4	2¼
[illegible] from the [illegible] 1696	184,6[illegible]	17	11¼
Poll Anno 1697	50	0	0
	£. 480,915	2	2¼
General Total	£. 58,698,688	19	8
[illegible] General Account of Money [illegible] more than Repaid during the whole Time of this Account to 10,006,776*l.* 17*s.* 1*d.* ½	-13,348,680	5	10¼
	£. 72,041,369	5	6¼
Th[illegible] Remained on the [illegible] of November 1688 in the Exchequer, in the Hands of the several Receivers	86,1[illegible]	1	[illegible]
Erro[illegible]			
	£. 72,127,508	3	6¼

Navy. ISSUES.	£ s. d.	£ s. d.	£ s. d.
To Anthony Lord Viscount Faulkland, late Treasurer [illegible] the Navy and Victualling		19[illegible],063 0 1	1[illegible],62[illegible],[illegible]11 4 [illegible]
To the Earl of Orford, late Treasurer of the Navy, on the [illegible]		1[illegible],[illegible]21 0 1[illegible]	
To the Right Hon. Sir Thomas Littleton, Treasurer of the Navy, on the same Account		2,683,551 14 7	
ARMY.—For the Service of Ireland.			
Mr. Harboard	1,073,228 12 7½	3,851,655 1 0¼	22,017,706 15 0¼
Mr. Henly	4,560 0 7½		
Mr. Fox and Lord Coningsby	2,773,806 7 9¾		
[illegible]		18,164,951 14 0½	
To Colonel Hill, Governor of the Leeward Islands, for [illegible]		1,1[illegible] 0 0	
[illegible]			
[illegible] Ordnance for [illegible] Land [illegible]			[illegible]
[illegible]			£ [illegible]

[illegible]		1,300,130 2 9¼
[illegible]	[illegible]	[illegible]
Ditto for the Charges of the late Queen's Coffins	328 16 0	
Great Wardrobe	319,876 8 2½	[illegible]
Ditto for the late Queen's Mourning	42,844 4 5	
Robes	57,128 9 2½	62,248 3 5½
Ditto to Lord Sidney, upon Account for Cloaths fur- [illegible] Office	5,128 0 3	
Paymaster of the Works	474,050 15 1½	[illegible]
Ditto on account of the late Queen's Funeral	4,000 0 0	
[illegible] the Honour and Castle of Windsor	5,000 0 [illegible]	
[illegible]		[illegible]
Gardens [illegible] Chamber until 1695	115,097 12 7	
[illegible] mencing from	16,800 0 0	
[illegible] which commenced from Christmas 1700	1,900 0 0	
[illegible] ordinaries 235,965 *l.* 15 *s.* 3 *d.* ½ Foreign Ministers for Ordinaries and Extraordinaries	462,753 7 2½	98,719 2 6
Fees and Salaries		[illegible]
Pensions and Annuities		[illegible]
Queen Dowager		[illegible]
Late Queen's Treasurer		[illegible]
Ditto for French Protestants		75,000 0 0
Prince and Princess of Denmark		[illegible]
Duke of Gloucester, on 1,500 *l.* per Ann.		37,500 0 0
[illegible]		60,000 0 0
Secret Service: Secretaries of the Treasury	616,323 7 2	775,337 6 8
Secretaries of State	76,968 19 6	
[illegible] Warrants under his Royal Sign Man.	82,100 0 0	
Privy Purse	483,555 0 0	541,726 5 4
[illegible]	[illegible]	
Fee Farm Rents } To the Lord Somers & al.	35,600 0 0	
Jewels		66,06 0 0
[illegible]		[illegible]
[illegible] lar Warrants in that Behalf		[illegible]
[illegible] Treaty of Reswick, were to be restored		[illegible]
[illegible]		20,000 0 0
[illegible]		16,000 0 0
[illegible]		12,000 0 0
[illegible] 3 *s.* And for Court Drums and Fifes, Salary 240 *l.*		3,634 3 6
[illegible] other accidental Payments		531,809 1 10½
[illegible]		[illegible] 2 9

ISSUES.	£.	s.	d.
[illegible]	600,000	0	0
Servants of King Charles II. by ditto Act	[illegible]	0	0
[illegible] relating to the Recoinage in general	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]		
[illegible]	[illegible]	0	0
Principal Money lent tempore Jacobi II.	[illegible]		
To several for Money advanced in the West in 1688	[illegible]	0	0
[illegible]	[illegible]		
Interest to the Bank of England	875,880		
[illegible] On Survivorship, and 14 per Cent. on the Million Act, &c.	[illegible]		
[illegible]	[illegible]		
On Lottery for a Million paid in for 16 Years Annuity	[illegible]		
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]
[illegible] 160,000 *l.* per Ann.	[illegible]	3	11¼
[illegible] besides 43,435 *l.* inclusive, in Account of Interest 1697	[illegible]	3	7¼
[illegible]	[illegible]	8	8¼
To Receivers of Taxes, in Reward for Extraordinaries	[illegible]	9	8¼
[illegible]	[illegible]		
[illegible] Army and Navy	[illegible]		
[illegible] received from them	[illegible]	[illegible]	[illegible]
[illegible] 2,415,140 *l.* 16 *s.* 10 *d.* ½, the Deficiency in the Year 1696, amounting to	[illegible]	[illegible]	[illegible]
[illegible] such Persons as brought Money for them in 1695	[illegible]	0	0
[illegible]	[illegible]	3	7¼
[illegible] mered Money	[illegible]	9	0¼
[illegible] be coined	[illegible]		
[illegible]	[illegible]	0	0
[illegible]	[illegible]	[illegible]	
[illegible] &c.	[illegible]	0	0
[illegible] 22 *s.* and issued at 21 *s.* 6 *d.*	[illegible]	18	3
[illegible]		7	7
	17,779,213	1	11
General Total	£.71,508,133	1	1¼
[illegible] Lady-Day, 1702	619,159	13	6¼
	[illegible]		
[illegible] the Auditors of the Imprest	1,326	7	7¼
[illegible] Bills instead of those Annuities	1,110	12	8¼
	£. [illegible]		

Nº XX.

[illegible]

Anno primo W. & M. Seſs. 1

[illegible]

cause to suspect are conspiring against the government. 3. For the granting a present aid [illegible]

holding of Hilary term, and for supplying other [illegible]

punishing officers or soldiers who shall mutiny [illegible]

tablishing the coronation oath. 7. For im- [illegible]

such persons as he shall find just cause to sus- [illegible]

8. For the abrogating of the oaths of supre- [illegible]

oaths. 9. For the removing papists, and reputed papists, from the cities of London and [illegible]

and making effectual a statute made in the first year of king James the second, concerning the haven and piers of Great Yarmouth. 12. For [illegible]

For raising money by a poll, and otherwise, [illegible]

papists and reputed papists. 16. That the si- [illegible]

prejudice another. 17. For rectifying a mistake in a certain act of this present parlia- [illegible]

nalties of certain laws. 19. For impowering [illegible]

twelve-pence in the pound for one year, for the necessary defence of their realms. 21. For [illegible]

to execute the office of lord chancellor, or lord [illegible]

sion or warrant officers employed in their ma- [illegible]

papists. 27. For taking away the court hol- [illegible]

marches of Wales. 28 For appropriating [illegible]

the United Provinces their charges for his ma- [illegible]

Irish clergy. 30. To repeal the statute made [illegible]

titled, an act for a grant to their majesties of [illegible]

year, for the necessary defence of their realms, [illegible]

James the first, concerning tanned leather. [illegible]

1 *W. & M. Seſs.* 2. 1. For a grant to their [illegible]

berties of the subject, and settling the succession of the crown. 3. For preventing all [illegible]

ters. 5. For a grant to their majesties of an [illegible]

8. For preventing vexatious suits against such [illegible]

jesties, or for their service. 9 For the better security and relief of their majesties protestant [illegible]

2 *W. & M. Seſs.* 1. 1. For recognizing king William and queen Mary, and for avoiding all [illegible]

ment assembled at Westminster the 13th day [illegible]

a poll, and otherwise, towards the reducing of [illegible]

3. For granting to their majesties for their lives, and the life of the survivor of them, cer- [illegible]

[illegible]

[illegible] a subsidy of tunnage and poundage, and other [illegible] ported and imported. 5. For enabling the [illegible] rent be not paid in a reasonable time. 6. For the [illegible] during his majesty's absence. 7. To declare the right and freedom of election of members to serve in parliament for the Cinque Ports. 8. For reversing the judgment in a *Quo War-* [illegible] storing the city of London to its ancient rights [illegible] the importation of thrown silk. 10. Of the king's [illegible] pardon.

2 *W. & M. Sess.* 2. 1. For granting an aid to their majesties of the sum of 1,651,702*l.* 18*s.* 2. Concerning the commissioners of the admiralty. 3. For doubling the duty of excise upon beer, ale, and other liquors, during the [illegible] majesties certain impositions upon all East In- [illegible] merchandize, to be imported after the 25th day of December, 1690. 5. For the continuance of several former acts therein mentioned, for the laying several duties upon wines, vinegar, and tobacco. 6. For punishing officers and [illegible] jesties service, and for punishing false musters. 7. For reviving a former act for regulating the measures and prices of coals. 8. For paving [illegible] and Westminster, [illegible] thereof, and out-parishes in the county of Middlesex, [illegible] other places within the weekly bills of mortality, in the county of Surry, and for regulating the markets therein mentioned. 9. For the encouraging the distilling of brandy and spirits from corn, and for laying several duties on low wines, or spirits of the first extraction. *10 For granting to their majesties several additional duties of excise upon beer, ale, and other liquors, for four years, from the time that an act for doubling the duties of excise upon beer, ale, and other liquors, during the space of one [illegible] For raising the militia of this kingdom for the [illegible] advanced be not repaid. 13. For preventing [illegible] 14. For the more effectual putting in execution an act, intitled, an act for prohibiting all trade [illegible] poor prisoners for debt or damages.

3 *W. & M.* 1. For granting to their majesties certain impositions upon beer, ale, and other liquors for one year. 2. For abrogating [illegible] ing other oaths. 3. For the better ascertaining the tithes of hemp and flax. 4. For pre- [illegible] 5. For granting an aid to their majesties of the sum of 1,651,702*l.* 18*s.*, towards the carrying on a vigorous war against France.

3 & 4 *W. & M.* 6. For raising money by a poll payable quarterly for one year, for the carrying on a vigorous war against France. 7. For raising the militia of this kingdom for the year 1692, although the month's pay formerly [illegible] ragement of the breeding and feeding of cattle. [illegible] the more effectual discovery and punishment of deer-stealers. 11. For the better explana- [illegible] the better repairing and amending the highways, and for settling the rates of carriage of goods. 13. Against corresponding with their [illegible] against fraudulent devises. 15. For the better [illegible] wines and strong waters; and for preventing [illegible]

4 *W. & M.* 1. For granting to their majesties an aid of four shillings in the pound for one year, for carrying on a vigorous war [illegible] the province of York may dispose of their per- [illegible] the custom of that province. 3. For granting to their majesties certain rates and duties of excise upon beer, ale, and other liquors, for securing certain recompences and advantages in [illegible] voluntarily advance the sum of 1,000,000*l.* [illegible] 4. For taking special bails in the country upon [illegible] King's Bench, Common Pleas, and Exchequer, at Westminster.

4 & 5 *W. & M.* 5. For granting to their [illegible] several goods and merchandizes, for the prosecuting the present war against France. 6. For raising the militia of this kingdom for the year 1693, although the month's pay formerly advanced be not repaid. 7. To prevent abuses committed by the traders in butter and cheese. 8. For encouraging the apprehending of highwaymen. 9. For reviving of two former acts of parliament for repairing the highways in the county of Hertford. 10. For prohibiting the importation of all foreign hair buttons. 11. For examining, taking, and stating the public accounts of this kingdom. 12. To make parishioners of the church united contributors to [illegible] officers and soldiers who shall mutiny or desert their majesties service; and for punishing false musters, and for the payment of quarters. 14. [illegible] their majesties in the last session of this present

[illegible] 17. [illegible] couraging, and settling the Greenland trade. 18. To prevent malicious informations in the court of King's Bench, and for the more easy reversal of outlawries in the same court. 19. [illegible] their majesties service in defence of the kingdom. 20. For the better discovery of judgments in the courts of King's Bench, Common Pleas, and Exchequer, at Westminster. 21. For delivering declarations to prisoners. 22. [illegible] in the court of King's Bench at Westminster. 23. For the more easy discovery and convic- [illegible] which are expired and near expiring. 25. For [illegible] commerce with France, and for the encouragement of privateers.

5 *W. & M.* 1. For granting to their majesties an aid of four shillings in the pound for one year, for carrying on a vigorous war against France. 2. For repealing such parts of several former acts, as prevent or prohibit the importation of foreign brandy, aqua vitæ, and [illegible] 3. For the importation of fine Italian, Sicilian, and Naples thrown silk. 4. To repeal a clause in the statute made in the 34th and 35th years [illegible] county. 5. To supply the deficiency of the money raised by a former act, intitled, An act [illegible] and duties of excise upon beer, ale, and other [illegible] advantages in the said act mentioned, to such persons as shall voluntarily advance the sum of [illegible] against France. 6. To prevent disputes and [illegible]

5 & 6, *W & M.* 7. For granting to their [illegible] and upon beer, ale, and other liquors, for se- [illegible] prisoners. 9. For repeal of a clause in the [illegible] or her that hath a pardon of felony. 14. For raising money by a poll, payable quarterly, for one year, for carrying on a vigorous war against France. 15. For continuing the act [illegible] 17. For the exportation of iron, copper, and [illegible] same: and for confirmation of leases and [illegible] not repaid. 20. For granting to their majes- [illegible] ships and vessels, and upon beer, ale, and other [illegible] vantages in the said act mentioned, to such [illegible] royal.

6 *W. & M.* 1. For granting to their majesties a subsidy of tunnage and poundage, and [illegible]

6 *W. III.* 3. For granting to his majesty an aid of four shillings in the pound, for one year; and for applying the yearly sum of 300,000*l.* for five years, out of the duties of [illegible] France with vigour. 4. For exempting apo- [illegible] sons as have estates for life in annuities, payable [illegible] interest in such annuities; and in default [illegible] with vigour. 7. For granting to his majesty [illegible]

[illegible] punishing false musters, and for payment of quarters, for one year longer. 9. For appointing and enabling commissioners to examine, [illegible] boats, in the port of Newcastle, and the members thereunto belonging. 11. For the more [illegible] ing. 12. For explaining and regulating several doubts, duties, and penalties in the late act for granting several duties upon vellum, [illegible] 13. For raising the militia of this kingdom for [illegible] 2 and 3 Edw. 6. intitled, An act against shooting of hail shot. 14. For continuing several [illegible] be liable to, by reason of his discovering to [illegible] money therein mentioned to be received out of the treasure of the East India company, or for any prosecution for such distribution. 16. To [illegible] for ascertaining the rates of water carriage [illegible] 18. For granting to his majesty certain duties [illegible] coals, and culm, for carrying on the war against [illegible] Cooke, sir Bazil Firebrace, Charles Bates, esq. [illegible] alienating their estates. 20. For the king's most gracious, general, and free pardon.

7 W. III. 1. For remedying the ill state [illegible] duties therein mentioned, and for continuing the duties formerly charged on low wines, or spirits of the first extraction, for carrying on the war against France. 3. For regulating of [illegible] treason. 4. For preventing charge and expence in elections of members to serve in parliament. 5. For granting to his majesty an [illegible]

7 & 8 W. III. 6. For the more easy recovery of small tithes. 7. To prevent false and double returns of members to serve in parliament. 8. For taking, examining, and stat[illegible] town of Harwich, in the county of Essex. 10. For continuing several duties granted by former [illegible] France. 11. For impowering his majesty to [illegible] ment for coining guineas, for a certain time [illegible] ble the rivers of Wye, and Lugg, in the county [illegible] ing, and sitting of a parliament, in case of the [illegible] 17. To continue four former acts for preventing theft and rapine upon the northern borders of England. 18. For granting to his majesty several rates and duties upon houses, for mak[illegible] 19. To encourage the bringing plate into the mint, to be coined; and for the further remedying the ill state of the coin of the kingdom. [illegible] duty upon all French goods and merchandize. [illegible] For continuing several former acts for punish[illegible] false musters, and for payment of quarters, for one year longer. 24. Requiring the practisers [illegible] serve in parliament; and for preventing irre[illegible] in the electing and returning such members. 26. For repairing the highways between Wymondham and Attleborough, in the county of Norfolk. 27. For the better security of his [illegible] better amending and repairing the highways, [illegible] or spirits of the first extraction, and for prevent[illegible] of excise. 31. For continuing to his majesty [illegible] for establishing a national land-bank, and for [illegible] and better regulating of juries. 33. For the [illegible] cepted instead of an oath in the usual form. 35. For the enforcing the laws which restrain marriages without licence or banns; and for [illegible]

[illegible] which hinder persons from disposing their per- [illegible] bringing flax and hemp into, and the making of [illegible]

8 *W. III.* 1. For the importing and coin- [illegible] ther remedying the ill state of the coin of the [illegible] the interest thereof. 4. To attaint sir John Fenwick, bart. of high treason. 5. To attaint such of the persons concerned in the late hor- [illegible] ty, as well by a land tax, as by several subsidies and other duties, payable for one year.

8 & 9 *W. III.* 7. For granting to his ma- [illegible] coined. 8. For encouraging the bringing in of wrought plate to be coined. 9. To restore the [illegible] one year longer. 14. For completing the [illegible] St. Paul, London, and for repairing the collegiate church of St. Peter, Westminster. 15. [illegible] ways. 17. For paving and regulating the [illegible] Fields, and St. James, within the liberty of Westminster. 18. For relief of creditors, by [illegible] For repealing a clause in a former act relating to party gaoles, and, for the better preventing [illegible] making other provision for answering the defi- [illegible] houshold, and other occasions. 23. To en- [illegible] ment of seamen. 24. For granting to his majesty a further subsidy of tunnage and pound- [illegible] the war against France. 25. For licensing hawkers and pedlars, for a further provision for [illegible] relief of creditors in cases of escapes, and for [illegible] privileged places. 28. For the better observa- [illegible] of Bridlington, alias Burlington, in the East Riding of the county of York. 30. For sup- [illegible] of the poor of this kingdom. 31. For the easier obtaining partitions of lands in coparcenary, joint tenancy, and tenancy in common. [illegible] ing an equivalent for the same, by a duty upon [illegible] and streets adjoining thereunto; and for [illegible]

9 *W. III.* 1. Against corresponding with [illegible] such as is now in being; and for the making [illegible]

late war, to exercise trades; and for officers to

13. For the continuing the imprisonment of

reversing fines, common recoveries, and ancient

To enable posthumous children to take estates, as if born in their father's life-time. 17.

of Aire and Calder in the county of York.

and for preventing abuses in the brewing of

tobacco. 22. For the more full and effectual

breaking, or robbery, in shops, warehouses,

24. For making Billingsgate a free market for

Newfoundland. 26. For opening the ancient

11 & 12 *W. III.* 2. For granting an aid

5. For the repair of Dover harbour. 6. To

neal or collateral, notwithstanding their father and mother were aliens. 7. For the more ef-

and for transport service: and also on account

mitted in the plantations. 13. For continuing several laws therein mentioned, and for ex-

Ireland and England unto foreign parts, and

To prevent disputes that may arise of officers

ties upon the woollen manufactures, corn,

river Lark, alias Burne, navigable. 23. For

credit commonly called Exchequer bills. 4.

men. [illegible] upon the northern borders of England. 7. For [illegible] kept in the house at Westminster, called Cotton House, [illegible] tions, for the benefit of the public. 8. For [illegible] in repair the harbour of Minehead, for the benefit [illegible] of this kingdom. 10. For granting an aid to his majesty [illegible] wines, &c. 12. For appropriating 3,700*l* weekly, out of certain branches of excise, for public uses, and for making a provision for the service of his majesty's household and family; [illegible]

13 *W. III.* 1. For reviving and continuing an act, intituled, 'An act for the appointing [illegible] taken during the late war.' 2. For punishing [illegible] high treason. 4. For continuing [illegible] tuled, 'An act that the solemn affirmation [illegible] jesty by laying duties upon malt, mum, cider and perry. 7. For the further securing of his majesty's person, and the succession of the crown in the protestant line, and for extinguishing the hopes of the pretended prince of Wales, and all other pretenders, and their open and secret abettors.

END OF VOLUME V.

[illegible]

COBBETT'S
PARLIAMENTARY
HISTORY

5

1688-1702

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